

By Mr. WARD of New York: A bill (H. R. 5668) for the relief of Cora T. Dering; to the Committee on Claims.

By Mr. WATSON: A bill (H. R. 5669) granting a pension to Hannah White; to the Committee on Invalid Pensions.

By Mr. WHEELER: A bill (H. R. 5670) granting a pension to Amanda Ellen Howell; to the Committee on Pensions.

By Mr. WHITE of Kansas: A bill (H. R. 5671) for the relief of John Minster; to the Committee on Military Affairs.

By Mr. WOODYARD: A bill (H. R. 5672) granting a pension to Mary E. Coon; to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

416. By Mr. CHALMERS: Petition of the Central Labor Union of Toledo, Ohio, indorsing the legislative program advocated by American Legion in behalf of ex-service men; to the Committee on Ways and Means.

417. Also, petition of the Central Labor Union of Toledo, Ohio, protesting against repeal of excess-profits tax and the establishment of a sales tax; to the Committee on Ways and Means.

418. Also, petition of the Woolner Brewing Co., of Toledo, Ohio, protesting against the continuance of the tax now levied on cereal beverages; to the Committee on Ways and Means.

419. By Mr. DYER: Petition of the St. Louis Brewing Association, protesting against the tax levied against cereal-beverage manufacturers on their products; to the Committee on Ways and Means.

420. Also, petition of the Independent Breweries Co., favoring a repeal of the internal-revenue tax now levied against cereal-beverage manufacturers; to the Committee on Ways and Means.

421. By Mr. FUNK: Petition of Lodge No. 853, Brotherhood of Locomotive Firemen and Enginemen, of Forrest, Ill., protesting against the repeal of the excess-profits tax, and also against the enactment of a sales or turnover tax; to the Committee on Ways and Means.

422. By the SPEAKER (by request): Petition of Springfield Post No. 21, American Legion, Springfield, Mass., favoring immediate relief for veterans of the late war; to the Committee on Interstate and Foreign Commerce.

423. Also, petition of the National Democratic Club of New York City, N. Y., regarding legislation for disabled veterans of the World War; to the Committee on Interstate and Foreign Commerce.

424. By Mr. KELLY of Pennsylvania: Petition of certain residents of Pittsburgh, Pa., of Ukrainian ancestry, relative to the east Galicia situation; to the Committee on Foreign Affairs.

425. By Mr. KISSEL: Petition of Greenpoint Post, No. 241, American Legion, Brooklyn, N. Y., regarding veteran legislation; to the Committee on Interstate and Foreign Commerce.

426. Also, petition of Solon Palmer, New York City, regarding sales tax; to the Committee on Ways and Means.

427. By Mr. MEAD: Petition of A. Wagner, Buffalo, N. Y., opposing the sales tax bill; to the Committee on Ways and Means.

428. Also, petition of the International Brotherhood of Blacksmiths, Drop Forgers, and Helpers, Buffalo, N. Y., opposing the passage of the sales tax bill; to the Committee on Ways and Means.

429. By Mr. MONDELL: Petition of the Riverton Commercial Club and the Dubois Commercial Club, of Riverton and Dubois, Wyo., respectively, asking for an appropriation in the sum of \$158,000 for the purpose of constructing the Riverton-Dubois Highway; to the Committee on Roads.

430. By Mr. SINCLAIR: Petition of Minot Lodge No. 6, Knights of Pythias, Minot, N. Dak., favoring the passage of the Smith-Towner bill; to the Committee on Education.

431. By Mr. SUTHERLAND: Petition of the Huntington Chapter of the American Association of Engineers, urging Federal aid for highways; to the Committee on Appropriations.

432. By Mr. YATES: Petition of Pavey & Co., of Springfield, Ill., by Mr. H. T. Culp, protesting against the Anderson bill, H. R. 232, the Haugen bill, H. R. 14, and the Morris bill, H. R. 659, all providing for restrictive regulation of the packing industry and allied lines; to the Committee on Agriculture.

#### SENATE.

TUESDAY, May 3, 1921.

(Legislative day of Monday, May 2, 1921.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed the joint resolution (S. J. Res. 30) to authorize the President of the United States to appoint an additional member of the Joint Committee on Reorganization, with an amendment, in which it requested the concurrence of the Senate.

#### CALL OF THE ROLL.

Mr. NORRIS. Mr. President—

Mr. PENROSE. Mr. President, I suggest the absence of a quorum before the Senate proceeds further.

The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Glass	McKellar	Simmons
Borah	Gooding	McKinley	Smoot
Brandegee	Hale	McLean	Spencer
Broussard	Harrell	McNary	Stanfield
Bursum	Harris	Nelson	Stanley
Calder	Harrison	New	Sterling
Cameron	Heflin	Nicholson	Sutherland
Capper	Hitchcock	Norbeck	Swanson
Caraway	Johnson	Norris	Townsend
Colt	Jones, N. Mex.	Oddie	Underwood
Culberson	Jones, Wash.	Overman	Walsh, Mass.
Cummins	Kendrick	Penrose	Walsh, Mont.
Curtis	Kenyon	Pittman	Warren
Dial	King	Poin Dexter	Watson, Ga.
Dillingham	Ladd	Pomerene	Watson, Ind.
Edge	La Follette	Ransdell	Williams
Fernald	Lenroot	Reed	Willis
Fletcher	Lodge	Robinson	Wolcott
Frelinghuysen	McCormick	Sheppard	
Gerry	McCumber	Shortridge	

Mr. CURTIS. I wish to announce that the Senator from Delaware [Mr. BALL] and the Senator from New Hampshire [Mr. KEYES] are absent on official business.

I wish also to announce that the Senator from Kentucky [Mr. ERNST] is absent on account of illness in his family.

Mr. FLETCHER. I wish to announce that my colleague [Mr. TRAMMELL] is absent on official business and that he will be absent during the entire day.

The PRESIDENT pro tempore. Seventy-eight Senators have answered to their names. There is a quorum present.

#### RICE PRODUCTION, MILLING, AND MARKETING.

Mr. NORRIS. Out of order, I ask unanimous consent to submit a report from the Committee on Agriculture and Forestry.

I am directed by that committee, to which was referred Senate resolution 56, submitted by the Senator from Arkansas [Mr. ROBINSON] on April 25, to report it favorably with amendments. I understand that the resolution will be printed with the amendments proposed by the committee, and that under the rule it must be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. UNDERWOOD. What is the resolution?

The PRESIDENT pro tempore. It will be read.

The resolution as proposed to be amended by the Committee on Agriculture and Forestry was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

The amendments were, in line 3, after the word "respecting," to strike out "agricultural industries, products, and pursuits, the production, manufacture, and market conditions affecting products, particularly"; in line 8, after the words "United States," to insert "to employ stenographers and accountants"; and in line 14, after the numerals "1922," to insert "To pay the expenses of said investigation, there is hereby appropriated out of the contingent fund of the Senate the sum of \$10,000," so as to make the resolution read:

Resolved, That the Committee on Agriculture and Forestry, or any subcommittee thereof, is hereby authorized and directed to investigate conditions respecting the production, milling, and marketing of rice. Said committee or subcommittee shall be empowered to hold hearings in Washington or elsewhere in the United States, to employ stenographers and accountants, to examine witnesses, and to issue subpoenas to compel the attendance of witnesses and the production of books, papers, documents, memoranda, and correspondence. Said committee or subcommittee shall report from time to time its findings and recommendations to the Senate and shall make its final report on or before January 1, 1922. To pay the expenses of said investigation there is hereby appropriated out of the contingent fund of the Senate the sum of \$10,000.

## NEGOTIATION OF TREATIES (S. DOC. NO. 9).

Mr. BRANDEGEE. Mr. President, yesterday the Senate granted me unanimous consent to have printed in the Record an article from the Yale Law Journal on the negotiation of treaties. I ask that it may be printed also as a Senate document.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

## PETITIONS AND MEMORIALS.

Mr. CAPPER presented a resolution of Local Union No. 2049, Farmers Union, of Bayard, Kans., protesting against repeal of the excess-profits tax law and substituting therefor a sales or turnover tax, which was referred to the Committee on Finance.

He also presented a resolution of the Central Christian Church, of Iola, Kans., favoring the enactment of legislation providing adequate relief for wounded ex-service men, which was referred to the Committee on Finance.

He also presented a resolution of Local No. 66, Farmers Union, of Kincaid, Kans., favoring legislation placing a protective tariff on agricultural products, which was referred to the Committee on Finance.

Mr. McLEAN presented memorials of the Connecticut Breweries Co., of Bridgeport; the Yale Brewing Co. (Inc.), of New Haven; Christian Feigenspan (Inc.), of New Haven; and the Hellman Brewing Co., of Waterbury; all in the State of Connecticut, remonstrating against the enactment of legislation placing a 50 per cent higher tax on cereal beverages, which were referred to the Committee on Finance.

He also presented a resolution of the Bridgeport Chamber of Commerce, of Bridgeport, Conn., favoring the enactment of legislation permitting corporations to deduct contributions or gifts made to corporations organized and operating exclusively for religious, charitable, scientific, or educational purposes, which was referred to the Committee on Finance.

He also presented a resolution of George Alfred Smith Post, No. 74, Women's Auxiliary of the American Legion, of Fairfield, Conn., favoring the enactment of legislation providing adequate relief for wounded ex-service men, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of New Britain, Conn., praying for the enactment of legislation establishing a daylight saving law, which was referred to the Committee on Interstate Commerce.

He also presented resolutions of Goddess of Liberty Council, No. 3, of New Haven; Quinnipiack Council, No. 61, of New Haven; Washington Camp, No. 4, Patriotic Order Sons of America, of New Haven; Washington Camp, No. 8, Patriotic Order Sons of America, of New Haven; and the Women's Relief Corps, auxiliary to the Grand Army of the Republic, of Hartford, all in the State of Connecticut, favoring the enactment of legislation restricting the immigration of aliens in the United States, which were ordered to lie on the table.

He also presented resolutions of Naugatuck Division, Ancient Order of Hibernians, of Naugatuck; the Robert Emmett Club, of Bridgeport; and Ancient Order of Hibernians, of Waterbury, all in the State of Connecticut, favoring the enactment of legislation for the recognition of the Irish republic, which were referred to the Committee on Foreign Relations.

He also presented a resolution of the Industrial Association of the Lower Naugatuck Valley, of Derby, Conn., favoring the enactment of legislation imposing a sales or turnover tax, which was referred to the Committee on Finance.

He also presented a memorial of the New Haven Trades Council, of New Haven, Conn., remonstrating against the enactment of legislation repealing the excess-profits tax and substituting therefor a sales or turnover tax, which was referred to the Committee on Finance.

He also presented memorials of the Italian-American Independent Citizens' Club (Inc.), of New London; Columbus Republican Club, of New Haven; San Carlino Republican Club, of New Haven; and Frank Frassa, president of the General Italian Committee, of Bridgeport, all in the State of Connecticut, remonstrating against the enactment of legislation increasing the duty on Italian lemons, which were referred to the Committee on Finance.

He also presented a memorial of Independent Norwich Lodge, No. 309, Independent Order of B'rith Abraham, of Norwich, Conn., remonstrating against the enactment of legislation restricting immigration, which was ordered to lie on the table.

He also presented petitions of the Rotary Club and sundry members of the Chamber of Commerce, of New Britain, Conn., praying that an appropriation be made for an addition to the

New Britain post office, which were referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Assyrian National Star Society (Inc.), of New Britain, Conn., praying for the enactment of legislation amending the immigration law so as to provide that those who have suffered religious persecution may be permitted to enter this country, which was ordered to lie on the table.

He also presented memorials of Private Michael J. Comco-wich Post, No. 597, Veterans of Foreign Wars, of Ansonia; La Croix-Murdock Post, No. 585, Veterans of Foreign Wars, of Meriden; and Seiclprey Post, No. 296, Veterans of Foreign Wars, of Winsted, all in the State of Connecticut, remonstrating against the conclusion of any peace treaty with Germany until Grover Cleveland Bergdoll is delivered to the authorities of this country, which were referred to the Committee on Foreign Relations.

## REPORTS OF COMMITTEES.

Mr. SPENCER, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 52) for the relief of the Stevens Institute of Technology, of Hoboken, N. J. (Rept. No. 23); and

A bill (S. 546) making an appropriation to pay the State of Massachusetts for expenses incurred and paid, at the request of the President, in protecting the harbors and fortifying the coast during the Civil War, in accordance with the findings of the Court of Claims and Senate report No. 764, Sixty-sixth Congress, third session (Rept. No. 24).

Mr. ROBINSON, from the Committee on Claims, to which was referred the bill (S. 472) for the relief of William B. Lancaster, reported it without amendment and submitted a report (No. 26) thereon.

He also, from the same committee, to which was referred the bill (S. 1300) for the relief of the heirs of Agnes Ingels, deceased, reported it with an amendment and submitted a report (No. 27) thereon.

Mr. CUMMINS (Mr. CURTIS in the chair), from the Committee on the Judiciary, to which was referred the bill (S. 214) to amend section 24 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, reported it with an amendment.

## OHIO RIVER BRIDGE AT IRONTON, OHIO.

Mr. CALDER. I ask permission to report favorably from the Committee on Commerce House bill 3152, granting the consent of Congress to construct a bridge over the Ohio River, and I submit a report (No. 25) thereon. The Senator from Ohio [Mr. WILLIS] is very anxious to have the bill passed, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3152) granting the consent of Congress to the Ironton & Russell Bridge Co. to construct a bridge across the Ohio River at or near the city of Ironton, Ohio, and between the county of Lawrence, Ohio, and the county of Greenup, Ky.

Mr. UNDERWOOD. There is no objection to the bill, but let it be read.

The Assistant Secretary read the bill, as follows:

*Be it enacted, etc.,* That the consent of Congress is hereby granted to the Ironton & Russell Bridge Co., and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Ohio River at a point suitable to the interests of navigation, at or near the city of Ironton, Ohio, in the county of Lawrence, in the State of Ohio, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## REORGANIZATION OF EXECUTIVE DEPARTMENTS.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 30) to authorize the President of the United States to appoint an additional member of the Joint Committee on Reorganization, which was to amend the title so as to read:

Joint resolution to authorize the President of the United States to appoint a representative of the Executive to cooperate with the Joint Committee on Reorganization.

Mr. SMOOT. I move that the Senate concur in the amendment made by the House.

Mr. UNDERWOOD. I ask that action be withheld for a minute until I can ask the Senator a question.

Mr. SMOOT. Very well.

Mr. UNDERWOOD. As read at the desk, I did not gather exactly what the amendment is.



Mr. SMOOT. We allowed the old title of the joint resolution to go to the House, which provided for an additional member. We did not amend the title, and all the House has done is simply to amend the title to conform to the joint resolution.

Mr. UNDERWOOD. And the House accepted the Senate resolution?

Mr. SMOOT. Exactly as it was. We made the mistake in not amending the title, and that is all there is to it.

The amendment was concurred in.

#### BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ASHURST:

A bill (S. 1498) making an appropriation for the construction of roads and bridges on the north approach to and within the Petrified Forest National Monument, Ariz.; to the Committee on Appropriations.

By Mr. KING:

A bill (S. 1499) suspending the provisions of section 2324 of the Revised Statutes of the United States relative to improvement work on mining claims until the 1st day of July, 1923, and for other purposes; to the Committee on Mines and Mining.

By Mr. McLEAN:

A bill (S. 1500) granting an increase of pension to James H. Scollin; to the Committee on Pensions.

By Mr. FERNALD:

A bill (S. 1501) granting a pension to Augusta Glidden (with accompanying papers); to the Committee on Pensions.

By Mr. JONES of New Mexico:

A bill (S. 1502) for the relief of Thomas E. Owen; to the Committee on Claims.

A bill (S. 1503) granting a pension to Julianita G. Ortiz (with accompanying papers); to the Committee on Pensions.

By Mr. CALDER:

A bill (S. 1504) to facilitate commerce by prescribing overtime rates to be paid by transportation lines for inspection of arriving passengers and crews; to the Committee on Commerce.

A bill (S. 1505) for the relief of Almirall & Co. (Inc.); to the Committee on Claims.

By Mr. WOLCOTT:

A bill (S. 1506) creating the office of United States civil engineer, and providing for the pay and retirement of such officers; to the Committee on Commerce.

By Mr. KENYON:

A bill (S. 1507) to reinstate Harold T. Dawson as a midshipman in the United States Naval Academy; to the Committee on Naval Affairs.

A bill (S. 1508) granting an increase of pension to Adam S. Reisinger (with accompanying papers); and

A bill (S. 1509) granting a pension to Lodeca Wertz (with accompanying papers); to the Committee on Pensions.

By Mr. CALDER:

A bill (S. 1510) for the relief of W. R. Grace & Co.;

A bill (S. 1511) for the relief of Sophie Caffrey;

A bill (S. 1512) for the relief of the owner of the boat *Gay-lord*;

A bill (S. 1513) for the relief of Margaret Nolan;

A bill (S. 1514) for the relief of C. F. E. Petersen;

A bill (S. 1515) for the relief of Henry C. Wilke;

A bill (S. 1516) for the relief of Lewis W. Flaunlacher;

A bill (S. 1517) for the relief of Antti Merihelmi;

A bill (S. 1518) for the relief of Simon Florez Cruz;

A bill (S. 1519) for the relief of Jose Salazar;

A bill (S. 1520) for the relief of Perley Morse & Co.;

A bill (S. 1521) for the relief of the P. L. Andrews Corporation;

A bill (S. 1522) conferring jurisdiction upon the United States Court for the Southern District of New York to hear and determine the claim of the owner of the French auxiliary bark *Quevilly* against the United States, and for other purposes;

A bill (S. 1523) for the relief of P. Delany & Co.;

A bill (S. 1524) for the relief of the William Wrigley, jr., Co. (Inc.), of New York City, N. Y.;

A bill (S. 1525) for the relief of the Drapery Hardware Co., of New York City, N. Y.;

A bill (S. 1526) for the relief of the Thermal Syndicate (Ltd.), of New York City, N. Y.;

A bill (S. 1527) for the relief of the Sirio Match Co., of New York City, N. Y.;

A bill (S. 1528) for the relief of Sophie K. Stephens;

A bill (S. 1529) making appropriation to pay the R. S. Howard Co., of New York City, N. Y., its loss and damage incurred

and suffered by it in complying with United States Navy Commandeer Order No. N-3255, dated June 18, 1918;

A bill (S. 1530) for the relief of Joseph Lago;

A bill (S. 1531) for the relief of Mose Matos;

A bill (S. 1532) for the relief of Charles B. Chrystal;

A bill (S. 1533) for the relief of Fairbanks, Morse & Co., of New York City, N. Y.;

A bill (S. 1534) for the relief of the Acme Die Casting Corporation, of New York City, N. Y.;

A bill (S. 1535) for the relief of the estate of Catherine Locke, deceased;

A bill (S. 1536) for the relief of Elizabeth Bolger;

A bill (S. 1537) for the relief of Furness, Withy & Co. (Ltd.);

A bill (S. 1538) for the relief of Louis F. Meissner;

A bill (S. 1539) for the relief of Watson B. Dickerman, administrator of the estate of Charles Backman, deceased; and

A bill (S. 1540) for the relief of Emma H. Ridley; to the Committee on Claims.

A bill (S. 1541) for the relief of J. P. D. Shiebler;

A bill (S. 1542) for the relief of Philip A. Hertz;

A bill (S. 1543) to provide for increasing the rank or grade of officers and enlisted men of the Army on retirement, and for other purposes; and

A bill (S. 1544) to amend the military record of Richard Parke; to the Committee on Military Affairs.

A bill (S. 1545) fixing the salary of the district attorney for the eastern district of New York;

A bill (S. 1546) to amend the Penal Code;

A bill (S. 1547) to provide for the establishment of a probation system in the United States courts, except in the District of Columbia; and

A bill (S. 1548) to fix the salary of the United States marshal for the eastern district of New York; to the Committee on the Judiciary.

A bill (S. 1549) granting an increase of pension to Henry S. Nichols;

A bill (S. 1550) granting a pension to Walter B. Chase; and

A bill (S. 1551) granting an increase of pension to Ann G. Ford; to the Committee on Pensions.

A bill (S. 1552) for the relief of Lieut. Commander Jerome E. Morse, United States Navy, retired; to the Committee on Naval Affairs.

#### DUTIES OF JUDGES.

Mr. BORAH submitted an amendment intended to be proposed by him to the bill (S. 384) to require judges appointed under authority of the United States to devote their entire time to the duties of a judge, which was ordered to lie on the table and be printed.

#### RESTRICTION OF IMMIGRATION.

The Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 4075) to limit the immigration of aliens into the United States.

Mr. REED resumed and concluded the speech begun by him on yesterday. The speech entire is as follows:

Monday, May 2, 1921.

Mr. President, I have not had the opportunity to hear the debate on the pending bill, because I was out of town during the day until a few moments ago.

We are passing a bill of the greatest importance in the greatest haste. I understand that the Senate is expected to vote upon this bill this evening after a few hours of consideration. Of course, it can be said that we have considered similar bills on other occasions. That may be some reason why debate is not now necessary, or, indeed, why debate is now useless, but I think this bill is far-reaching in its consequences; I think it is filled with danger to the United States.

I can not agree to the proposition that, because a human being happens to be born in some other country, he is therefore a menace to this Republic. I can not subscribe to the doctrine that, because there are some people in other countries who will not make good citizens of this country or of their own, therefore we should exclude all people indiscriminately.

Like the Senator from Ohio [Mr. WILLIS], I want to legislate for the United States; but I deny that we are legislating for the United States when we bar from our gates the man of good morals, good intelligence, good intentions, and good health. What we can do probably is to turn aside a tide of travel and send them possibly into Canada by the hundreds of thousands, and possibly by the millions in the long run, and can make of them loyal British subjects instead of American citizens.

We are a very hysterical people. We get excited very quickly about things that are purely temporary. If the price of coal

goes up \$2 a ton, everybody gets a notion that there is a great crisis, and before you get the bill passed—I am simply using this to illustrate—the thing has regulated itself. We had a paper shortage in this country. Part of it was natural and part of it was artificial; but before we could think of any kind of legislation to regulate it the paper market was broken, and white paper was being sold on call only a few weeks ago at 44 cents a pound.

There has been a war in Europe, and all of a sudden somebody concluded that we would be raided by vast numbers of people from Europe and that the wicked and bad elements of Europe would all come in. Now, Mr. President, it is not difficult to keep. I will not say all but any considerable number of, bad people out of this country and at the same time keep our doors open for the proper kind of people. I have had occasion to say before, and I say now, that it is easy enough to establish in Europe tribunals that will be self-supporting, supported out of fees there collected. These tribunals can absolutely examine into the character and history and purposes of the people who apply for admission to this country. I assert that every man of sound morals and sound health and good intelligence who comes to this country is an addition to the wealth and power of this country.

Something has been said here in the last few minutes about nationalities, or people of certain nationalities who belong to societies that have a compound name—an Irish-American society, for instance. I suppose that is one of the organizations that is aimed at. If those societies meant a divided allegiance, there would be no question in the world as to the attitude of every one of us; but let us examine the question, and I will take the Irish-American society as a type. Let us inquire as to its loyalty to America—the loyalty of Americans of Irish descent to America.

I dare any man to stand on this floor and challenge their loyalty. I invite him to rise now, and I pause for that Senator to rise in his place and challenge the loyalty of the Irish in America. There is the usual profound silence—an unusually profound silence—for I think I have the best attention now that I have had on the floor of the Senate in a long time. You dare not do it, and it is not true, and you know it is not true.

From the days when Irishmen crowded to the table to sign their names to the Declaration of Independence, when every man who subscribed his name knew that he might be signing his own death warrant, to this hour on every battle field of the Republic, in every war that has been fought for human liberty where the Stars and Stripes have been at the head of the column, Irishmen who belonged to these societies—Irish-American societies, Irish historical societies, Friendly Sons of St. Patrick, and all the rest of them—have been there ready to pour out their blood and do their part, and no man dare deny it on this floor.

But we need not confine these considerations to the Irish. Mr. President, there were substantially 900,000 volunteers in the European war who went out under our flag. The old system of volunteering had been denied, and so men rushed to the colors in two ways.

In one form they enlisted in the Regular Army and the Regular Navy without the inducement that went to volunteering in former wars of being permitted to go out under officers they themselves had selected. They nevertheless filled the ranks of the Regular Army and of the Navy, and did it purely as a matter of patriotism, because the war was on.

There was another method of volunteering. The National Guard of this country was a small and weak organization. When war was declared, although every man who went up and signed the muster roll of the National Guard knew that he would be ordered to the front, that organization found its membership enormously increased, so that the aggregate of the National Guard and of these volunteers who went into the regular ranks mounted, as I have the figures, to nearly 900,000 men.

Now, take the list of names of those men who did not wait to be drafted—and I cast no reflection on the men who did—but of those men who came and offered their lives, their fortunes, their health, their all in defense of this flag, take the list of those names and run it through, and you will find that the citizens of foreign birth, or whose fathers were of foreign birth, are there in such numbers as to give the lie to every man who challenges their loyalty.

The first bodies brought home, the first of the dead who came, whose remains the President of the United States went from the Capital to meet, bore names, the majority of them, that sounded very foreign to the American ear. I had those names once. I am going to take the liberty of inserting them as part of my remarks. So you can take the muster rolls, and they

give you the answer, and the answer is that these men proved their loyalty to this land.

I will not even except the German-Americans, although we were at war with that country. I do not deny that in that exigency some people of German birth tried very hard to keep our country from going in against Germany as far as they had influence, just as people of English extraction would have tried to keep us from going in against Great Britain, or people of French extraction would have felt that they did not want this country to go in against France; but when war was declared, who is it dare say that these men did not—to use the common expression—toe the mark, that they did not fight well and bravely, that they did not stand to their colors, which are our colors? Now, who dare deny it?

There happens to be in the city of St. Louis a very considerable element of people of German extraction. Some of them have not learned our language. I always regret it when people come from foreign countries and do not immediately acquire a knowledge of our tongue. But the cold fact is that scarcely a man with a German name in the city of St. Louis claimed his exemption. Men who were married and had a perfect right to exemption did not claim it. Hundreds of them and thousands of them who had a perfect claim to exemption did not take advantage of the fact.

I assert that in all the history of this world there never marched to the front a body of men as thoroughly loyal as the rank and file of the American Army, and that rank and file was drawn from every class of people, and these despised foreigners, whom you execrate here to-day by this legislation, were there, ready to perform their duty.

Now, I issue another challenge. Point me to a place on the field of battle where the sons of foreigners did not stand firmly by the side of the dauntless American of pure blood, if we can use that expression with reference to any of ourselves?

I grant that there are classes of people in different countries of the world we ought not to admit to this country. There are races. I think the Chinese are a fine people, but I do not think they ought to be admitted to America to live here, because they are not assimilable by the white race with any justice to their blood or to ours.

I think the Japanese ought not to be permitted to come. I think for the most part Asiatics ought to be excluded. But they ought to be excluded because of racial differences.

When you come to the great white races of Europe, a different question is presented, and we ought to know, before men are permitted to come here, what their characters are and what their morals are, and what their attitude is toward the institutions of our land. Because we have admitted them carelessly and recklessly in the past is no reason why we should be careless or reckless in the future. If we have been improvident and careless and have not properly guarded our gates, that is no reason why we should close the gates absolutely. We should adopt the necessary regulations to insure that those who come to this land will make good American citizens, and, having done that, we will have done our full duty by this country and by the world. But we are a great people for extremes. One day we open the doors wide for everybody. Then, because some come who never ought to have been permitted to come, the next day we slam the door shut in the face of everybody.

Propositions have been brought forward here to exclude all immigration; to exclude the greatest philosophers outside of the United States, and there are some outside of the United States; to exclude the greatest artists who ever put brush to canvas; the greatest master of the chisel who ever carved from shapeless stone the forms of beauty, grace, and loveliness; to exclude the chemists who could teach us, mayhap, to make dyes, so that we did not have to clamor for protection against the superior skill of other people; to exclude the weaver who might be able to teach us how to make cloth that would wear like the cloths that are made in foreign lands; to exclude the agriculturist who has known how to make the sterile plains of Germany bear twice the crops the fruitful soil of America brings forth; to exclude the great writers of songs and plays, great magicians of music, who have turned the air to melody and changed the dull life of the people into wondrous song.

We can learn something from Europe. We are not quite so superior as we think ourselves to be. All of the intelligence and all of the culture and all of the patriotism of the world is not gathered within the puny temples of our brains. This is the old spirit of provincialism, the thing that was condemned by the fathers of the Democratic Party, the narrow spirit of the man who fears competition.

What are you afraid of? When did you get to be so superior? I can demonstrate that foreign immigration is a good thing. I can prove it. Look at yourselves. You are all the offspring of



foreigners; and behold how great you are! How all the graces sit upon you naturally! How all the virtues swell and throb through your pure souls, and all the attributes of courage surge in your manly hearts!

But where did you come from? I question whether there is a man in this room whose ancestors have been here four generations who can say that he comes from any one blood. In your veins meet and mingle the bloods of many peoples. Do you call yourself an Englishman? Then what are you? English blood is a polyglot, if such a thing be upon all this earth—the original Celtic stock conquered by a German tribe, overrun by the Italians, who were called Romans then; partially conquered by the Danes and their blood left there; and then another German tribe, which gave to Britain the name of England, because that tribe was the tribe of Angles; then a mixed breed of Norsemen and French, who had established themselves in part of France and who had named it Normandy because the Norsemen had overrun it. This breed of English is therefore a breed of many breeds, and I have no question it was the meeting and the mingling of these different strains of blood which made the Englishman what he is to-day, the most dominant character in all the world, the most determined in his policies, the most deathless in his determination, the great conquering race, that with but 38,000,000 Britishers in the British Isles floats the flag of England over one-third of the world's surface and over one-third of its population. So, if you are English, you are pretty well crossed up.

But why spend time over there? Let us come home. At the time of the Revolution, 26 different languages were spoken in the city of New York. We had the Pennsylvania Dutch with us then, so provincial, so attached to their old customs, that in parts of Pennsylvania to-day they still speak their original tongue, although the ancestors of some of them came here 175 years ago.

Then there were the French Huguenots. Somebody proposed here a moment ago to close the door on account of religion. There is not the descendant of a French Huguenot in the United States whose ancestor did not come here to escape religious persecution. They were the outcasts of their country. They were driven away because they did not worship God according to the forms and ceremonies which had been laid down for them by others. So they came in great numbers, and to-day every man I know of who has a drop of that blood in his veins is proud to boast of it.

The Germans came here in great numbers. I know that a man who says anything now for a German is very likely to be misunderstood and misconstrued and abused. But have they not been a sturdy people, a law-abiding people, in the United States? Have they not gone forward in every line of endeavor? Have they not been loyal to this flag?

Living where I do I have great sympathy for the old cause of the South, but I can not forget the fact that probably it was the German citizens of Missouri who kept Missouri in the Union. There were some things they did that are not popular down there yet, but the distinctive characteristic of that people is loyalty to the country of their adoption. Now, I agree that some of them, a few of them, did not behave as they should have in that war, but they were few, their numbers were small.

Who are these people you are barring out? The Jugo-Slav, I suppose, is especially abhorrent to you, and yet we have asserted by our attitude in the war that he not only is capable of being a good citizen of an established government but that he is capable of setting up a government for himself.

The Czecho-Slav, the Polack. You go about saying you are making a war for the purpose of liberating peoples, that they are capable of governing themselves without any help from anybody, but if one of them comes over here he will contaminate our civilization, tear the foundations from the temple of liberty, defile all the altars of our national fame, and bring ruin to this Republic, and yet the gentleman who says it can not go back three generations without finding a strain of blood that enters his veins and that blood the blood of some immigrant.

I have more faith in my country and its institutions than some people. I think that our country is so much better than any other country that nine hundred and ninety-nine out of a thousand who come here, not merely as laborers but men intending to live here, can be absorbed and can be inspired with a love and reverence for our institutions. Has it not always been so?

How did your ancestors get here, anyway? Do you think that God Almighty went around and picked out a few select individuals of the highest character and morals and respectability and brought them here, and you have descended from that particular stock? You are descended from people who came here not one whit better than the men and women who are coming

now. A lot of your ancestors worked their passage over here as bondmen and sold themselves into temporary slavery in order to get here. Some of you may find, if you will go back far enough, that your great-great-grandmother was sold on the auction block and paid for in long green tobacco by the enterprising gentleman over here who wanted a wife. Some of you may easily now trace your ancestors back to the fellow who came over here without a dollar in his pocket, clattering wooden shoes upon the docks, with a wife following him, with an old shawl over her head and a pack of kitchen tools upon her back.

So we can go back through all of it. It is not to the discredit of those people that they came thus. It is to their credit. It requires no courage for a man with his pockets bulging with money and his head filled with ideas gained from education to emigrate to a new country, because he has the means to take care of himself. But it requires a high degree of courage for a man to take his wife and his little children and go into a new land with no money, with no capital save his own courage and his strong arm, to front new fields, to engage in a contest with other men for a livelihood in a land where he is unfamiliar with their laws, unfamiliar with their language, and ignorant of their habits. So for that very reason we have been getting all these years in these humble folk really the cream of the heart and brain and soul of Europe. A man who would come in and front conditions of that kind and make his way had to have many traits. He was obliged to possess something of the real iron that makes men men, and here he came.

Yet always this old cry has gone up. There is nothing new about it. I have said in other speeches in other days on the floor of the Senate that we have heard it in every age of our brief period as a Nation. The same argument has come every time from the same sort of people. When the Germans first came we were warned that they were illiterate and ignorant people who would never amalgamate into our lives. I can go back to the days when they were planting colonies, when every man with any real sense knew that every white man who came here added to the sum total of the young colonies and helped to defend against the redskins and against the adversities of a new life. Even then the colonies were so jealous of each other, because they came from different countries, that they were engaged at times in war with each other, each of them asserting that he belonged to the race that was ordained of God, the select, the pure, and the good.

So when the Dutch came the same cry was raised against the Dutch. "The wooden-shoe Dutch" they were called. It was declared that our country would be turned into a sort of Dutch adjunct to Holland. When the Scotch came they protested against the Scotch in the same way. When the Irish came it was certain that our country was about to be polluted by these people. Very few of their critics had enough education themselves to know that the only reason the Irish were ignorant was because Great Britain had destroyed their schools and made it a felony for an Irish Catholic to educate his own child.

The Bohemians came, the Czechs, not in such great numbers, but when they started a settlement they generally came in hordes to that particular place, and again the cry went up that our country was about to be destroyed. It happened that one of those colonies located in the county where I lived, and it became my fortune to go to school with the children of these Bohemian immigrants who had come there wearing their leather waistcoats, smoking their long pipes, the women carrying feather beds upon their backs that they had brought over from the fatherland, with customs entirely foreign to ours. The first thing they built was a great dance hall, and they installed a brass band at one end and a fellow with a beer keg at the other. Everybody said, "What ruin that means!" and yet the very first generation, their children with whom I went to school, were such that I and the others of us so-called Americans had all we could do to keep up with them. In a little while they were doctors and lawyers and musicians and ministers and teachers and chemists, and in a little while the daughters of this proud original American race that had been here about 75 or 80 years were intermarrying with them.

Look about you. You have men in the Senate who were born over there. Are they patriotic? They stood by the flag. Are they good citizens? Are the Swedes and Norwegians of Minnesota and the Dakotas good citizens? Are they making their way? The truth is they are making their way a good deal better than the so-called native Americans in a great many places.

What about the matter of education? I put in table after table in a speech that I made here on a similar question to this a few months ago and showed that the percentage of the

children of foreign-born parents attending schools was very much greater than the percentage of the children of native-born parents. It was particularly true in the South, I am sorry to say, that that condition obtained. Now we want to close the door.

Let us consider another quality of these people. Are they brave? One thing that can nearly always be taken as the touchstone of the character of a race is, Is it a brave people?—for bravery is a virtue that is nearly always accompanied by the other manly qualities. Sir, if any of our well-conceited home folks think that those people over yonder are not brave after the example of this war, then it would be useless for me to stand and argue with them, for whether it was the Englishman with his indomitable grit, the Scotchman with his inflexible courage, the Irishman with his dash, the Frenchman with his chivalry, or the German with his stolid disregard of danger, or the Bulgarian, or the Serbian, or the Italian—all of those people furnished examples to the world of the fact that they knew how to die for a cause they believed was right. But we are very superior creatures. Our ancestors got here a few years earlier than those people will come.

[At this point Mr. REED yielded the floor for the day.]

Tuesday, May 3, 1921.

Mr. REED. Mr. President, I do not intend to take much more of the time of the Senate. On yesterday I remarked that on the previous occasion when a similar bill was before the Senate I had put into the RECORD some tables bearing upon the question of the conduct of foreigners who come to this country. One of the great tests of citizenship is the thirst for learning. I have not a compilation made from the last census, because I think the compilation is up to this time, perhaps, impossible, but I know of no reason why the figures taken from the last preceding census are not as instructive as those that might be taken from the last census. They show, broadly speaking, that the foreigner educates his children better than does the native-born white man.

Mr. President, I present, without reading, a table which I ask to have inserted as a part of my remarks, showing the school attendance of children between 6 and 14 years of age in all of the States of the United States.

The PRESIDENT pro tempore. Without objection, the table will be printed in the RECORD.

The table referred to is as follows:

TABLE NO. 1.—Per cent of children 6 to 14 years of age attending school compared with the per cent of foreign-born population in each State. [This table confined to the white race for the year 1910. Census Abstract, pp. 86 and 228.]

WHITE.				
States.	Per cent of foreign-born whites in 1910.	Per cent of native parentage.	Per cent where one or both parents are foreign born.	Per cent of foreign-born children.
Alabama.....	0.9	70.0	78.1	70.2
Arizona.....	22.9	80.4	72.1	61.6
Arkansas.....	1.1	74.7	81.2	55.8
California.....	21.8	87.4	88.1	82.3
Colorado.....	15.9	86.4	88.4	81.7
Connecticut.....	29.5	92.6	92.6	89.2
Delaware.....	8.6	83.4	83.4	75.9
Florida.....	4.5	72.1	76.1	63.5
Georgia.....	.6	74.8	84.5	76.0
Idaho.....	12.4	82.0	84.1	76.2
Illinois.....	21.3	88.2	88.0	83.8
Indiana.....	5.9	88.4	87.6	80.6
Iowa.....	12.3	90.8	90.8	82.0
Kansas.....	8.0	88.3	89.1	76.7
Kentucky.....	1.7	76.3	87.1	83.8
Louisiana.....	3.1	68.4	69.7	50.7
Maine.....	14.8	90.3	88.4	81.0
Maryland.....	8.0	83.3	80.0	75.5
Massachusetts.....	31.2	93.9	93.1	88.1
Michigan.....	21.2	91.3	90.6	86.8
Minnesota.....	26.2	88.8	89.2	86.0
Mississippi.....	.5	84.2	82.9	44.0
Missouri.....	7.0	85.5	86.7	80.7
Montana.....	24.4	83.5	86.0	76.1
Nebraska.....	14.8	90.1	90.8	85.1
Nevada.....	22.0	86.3	88.8	76.7
New Hampshire.....	22.4	92.2	91.3	85.5
New Jersey.....	25.9	89.6	88.7	83.8
New Mexico.....	6.9	76.9	75.1	56.6
New York.....	29.9	89.9	90.6	88.3
North Carolina.....	.3	75.7	84.0	64.8
North Dakota.....	27.1	82.7	81.5	70.0
Ohio.....	12.5	90.3	89.2	84.0
Oklahoma.....	2.4	82.2	85.5	75.8
Oregon.....	15.3	85.1	87.3	82.7
Pennsylvania.....	18.8	88.1	84.8	79.6
Rhode Island.....	32.8	91.2	89.0	82.4
South Carolina.....	.4	72.1	81.4	72.2
South Dakota.....	17.2	84.1	84.6	72.0

TABLE NO. 1.—Per cent of children 6 to 14 years of age attending school compared with the per cent of foreign-born population in each State.—Continued.

WHITE—continued.

States.	Per cent of foreign-born whites in 1910.	Per cent of native parentage.	Per cent where one or both parents are foreign born.	Per cent of foreign-born children.
Tennessee.....	0.8	75.2	83.6	78.9
Texas.....	6.2	74.3	60.3	38.4
Utah.....	17.0	85.4	87.9	83.5
Vermont.....	14.0	93.1	93.3	89.3
Virginia.....	1.3	73.2	80.0	71.3
Washington.....	21.1	85.9	88.9	83.9
West Virginia.....	4.7	83.0	82.9	66.1
Wisconsin.....	22.0	90.8	89.7	84.1
Wyoming.....	18.6	84.9	85.9	76.4
United States (total)	14.5	83.5	88.0	82.3

School attendance of children 6 to 14 years of age in the United States of all classes, both native and foreign born parentage and foreign born, 81.4 per cent.

Mr. REED. The table shows the percentage of foreign-born whites in each State, the percentage of children of native parentage, the percentage where one or both of the parents are of foreign birth, and the percentage of foreign-born children attending the schools.

It is impossible to study this table—which I merely insert because I do not want to take the time of the Senate to read it—without arriving at the conclusion that the foreigner who comes to this country is anxious to educate his child, and that he has been more attentive to that high duty than has the native-born American citizen.

I call attention also to the fact that those States which possess the smallest percentage of foreign-born people are the strongest advocates of the pending bill, as shown by the votes on preceding bills of a similar character; that is to say, the State where the foreign population is very small, where the people are least acquainted with the foreigner, is found here, through its representatives, most strenuously advocating the measure; and the votes on preceding bills in the Senate and the House of Representatives will demonstrate that fact.

On a previous bill, when the literacy test was proposed, the singular thing was that those States lowest in point of literacy were the most strenuous advocates of the measure; and the singular thing, also, was that the children of the native-born population of those States were lower in point of literacy than the children of the foreign-born population. Indeed, it may be broadly stated, taking the United States as a whole, that the children of the foreign-born population attend the schools better than do the children of the native-born population. The States which possess the smallest percentage of foreign-born people, as I have said, are the strongest advocates of this bill, while many of the States having a high percentage of foreign-born population have in the past opposed similar measures.

The following States have less than 2 per cent of foreign-born people:

	Per cent.
Alabama.....	0.9
Arkansas.....	1.1
Georgia.....	.6
Kentucky.....	1.7
Mississippi.....	.5
North Carolina.....	.3
South Carolina.....	.4
Tennessee.....	.8
Virginia.....	1.3

The following States have more than 2 and less than 5 per cent of foreign-born population:

	Per cent.
Florida.....	4.5
Louisiana.....	3.1
Oklahoma.....	2.4
West Virginia.....	4.7

The lowest in point of foreign population of any of the States is North Carolina, with but three-tenths of 1 per cent. Mississippi has five-tenths of 1 per cent, and South Carolina has four-tenths of 1 per cent.

In New York State the per cent of foreign population is 29.9; in Minnesota 26.2; in New Jersey 25.9, running down through the States to 12.4 per cent. I shall not stop to read further, but will ask to insert the table in the RECORD.

The PRESIDENT pro tempore. Without objection, permission is granted.



The table referred to is as follows:

The following States have a large foreign-born population:

	Per cent.
New York.....	29.9
Minnesota.....	26.2
New Jersey.....	25.9
Montana.....	24.4
Wisconsin.....	22.0
Illinois.....	21.3
Michigan.....	21.2
Colorado.....	15.9

	Per cent.
Oregon.....	15.3
Nebraska.....	14.8
Idaho.....	12.4

Mr. REED. Mr. President, I also ask permission to print a table showing the five States which have the largest percentage of foreign born compared with the five States which have the smallest percentage of foreign born.

The PRESIDENT pro tempore. Without objection, permission is granted.

The table referred to is as follows:

Comparative statement showing the five States which have the largest percentage of foreign born compared with the five States which have the smallest percentage of foreign born.

LARGEST PERCENTAGE OF FOREIGN BORN.

States.	Per cent of foreign-born whites in 1910 (Census Abstract, p. 86).	Per cent of school attendance 6 to 14 years, all classes (Census Abstract, p. 228).	Per cent of school attendance 6 to 14, native white (Census Abstract, p. 228).	Per cent of school attendance 6 to 14, of whites having one or both parents foreign born (Census Abstract, p. 228).	Per cent of school attendance 6 to 14, of foreign-born whites (Census Abstract, p. 228).	Per cent of negroes 6 to 14 attending school (Census Abstract, p. 228).	Expenditures for public schools, 1879 (Statistical Abstract, 1880, p. 155).	Expenditures for public schools, 1911 (Statistical Abstract, 1912, p. 118).	Value of all property in 1904 (Statistical Abstract, 1912, p. 650).	Population in 1880 (Statistical Abstract, 1880, p. 149).	Population, 1910 (Census Abstract, 1910, p. 24).	Area in square miles (Statistical Abstract, 1912, p. 28).	Date when admitted to the Union (Statistical Abstract, 1912, p. 21).
Rhode Island.....	32.8	88.8	91.2	89.0	82.4	87.7	\$597,000	\$2,360,000	\$799,000,000	276,000	542,000	1,000	1790
Massachusetts.....	31.2	92.9	93.9	93.1	88.1	92.0	4,994,000	22,502,000	4,956,000,000	1,783,000	3,366,000	8,000	1788
New York.....	29.9	90.0	89.9	90.6	88.3	87.1	10,464,000	52,328,000	14,769,000,000	5,082,000	9,113,000	47,000	1788
Connecticut.....	29.5	92.3	92.6	92.6	89.2	90.5	1,375,000	5,426,000	1,414,000,000	622,000	1,114,000	4,000	1788
North Dakota.....	27.1	80.7	82.7	81.5	70.0	.....	.....	5,184,000	735,000,000	.....	577,000	70,000	1889

SMALLEST PERCENTAGE OF FOREIGN BORN.

	Per cent of foreign-born whites in 1910 (Census Abstract, p. 86).	Per cent of school attendance 6 to 14 years, all classes (Census Abstract, p. 228).	Per cent of school attendance 6 to 14, native white (Census Abstract, p. 228).	Per cent of school attendance 6 to 14, of whites having one or both parents foreign born (Census Abstract, p. 228).	Per cent of school attendance 6 to 14, of foreign-born whites (Census Abstract, p. 228).	Per cent of negroes 6 to 14 attending school (Census Abstract, p. 228).	Expenditures for public schools, 1879 (Statistical Abstract, 1880, p. 155).	Expenditures for public schools, 1911 (Statistical Abstract, 1912, p. 118).	Value of all property in 1904 (Statistical Abstract, 1912, p. 650).	Population in 1880 (Statistical Abstract, 1880, p. 149).	Population, 1910 (Census Abstract, 1910, p. 24).	Area in square miles (Statistical Abstract, 1912, p. 28).	Date when admitted to the Union (Statistical Abstract, 1912, p. 21).
South Carolina.....	0.4	62.6	72.1	81.4	72.2	56.1	\$319,000	\$2,168,000	\$585,000,000	995,000	1,515,000	30,000	1788
North Carolina.....	.3	71.7	75.7	84.0	64.8	64.0	337,000	3,140,000	842,000,000	1,400,000	2,206,000	48,000	1789
Mississippi.....	.5	72.2	84.2	82.9	44.0	63.7	641,000	2,726,000	688,000,000	1,131,000	1,797,000	46,000	1817
Georgia.....	.6	65.6	74.8	84.5	76.0	55.4	465,000	4,390,000	1,167,000,000	1,539,000	2,609,000	58,000	1788
Tennessee.....	.8	72.1	75.2	83.6	78.9	60.1	710,000	5,083,000	1,104,000,000	1,542,000	2,184,000	41,000	1796

Mr. REED. Mr. President, I desire to make a few remarks regarding the table last printed and the other tables.

These tables demonstrate (a) that the total percentage of foreign-born population in the United States is 14.5 per cent; (b) that the percentage of children between the ages of 6 and 14 of native white parentage who attend schools is 83.5; (c) that the percentage of children of all classes between the ages of 6 and 14 who attend school is 81.4; (d) that the percentage of whites between the ages of 6 and 14 who attend school where one or both of the parents are foreign is 88 per cent in the whole United States—88 per cent, as against the general average of 81.4 per cent.

Moreover, as another test, the States having the largest percentage of foreign-born population have the lowest percentage of illiteracy, and the States having the smallest percentage of foreign-born population have a high percentage of illiteracy. Rhode Island has an immigrant population of 32.8 per cent and its school attendance is 91.2 per cent, while South Carolina's immigrant population is 0.4 per cent and its school attendance is 72.1 per cent. Massachusetts has an immigrant population of 31.2 per cent and a school attendance of 93.9 per cent, while North Carolina's immigrant population is 0.3 per cent and its school attendance 75.9 per cent. New York's immigrant population is 29.9 per cent and her school attendance 89.9 per cent, while Mississippi's immigrant population is 0.5 per cent and its school attendance 84.2 per cent. Connecticut's immigrant population is 29.5 per cent and its school attendance 92.6 per cent, while Georgia's immigrant population is 0.6 per cent and its school attendance only 74.8 per cent. North Dakota's immigrant population is 27.1 per cent and its school attendance 82.7 per cent, while Tennessee's immigrant population is 0.8 per cent and its school attendance is 75.2 per cent. What a sad commentary it is upon the native-born American citizen that the foreigner who comes to this country sends his children to school better than the man born and reared under the American flag.

There is no better test of citizenship than the fact that the father and the mother will deny themselves the comforts of life in order to send their children to the public schools. There is no better way to fit children for the great office and duty of American citizenship than to send them to school. It seems to me that the one test I have named answers the whole question as to the fitness of these people, if they are properly selected before they come here, which is what should be done, to amalgamate themselves into the public life of the American people.

Mr. President, let us look into this question a little further. What has foreign immigration done for this country? I need not repeat what I said yesterday, that originally all the people of this country were immigrants, and for the most part they were the class of people that Europe was casting out, either by religious proscription, by tyranny of law, or by hard economic conditions. These were the instrumentalities that forced the people of other countries to come here originally. There were probably considerably less than 3,000,000 inhabitants of this country when the Declaration of Independence was signed. Patrick Henry in his great address put it at 3,000,000, but I think he was trying to encourage his fellow patriots, and added on about 500,000 people. Whether that be true or not, these colonies probably could not have held their place in the conflicts of the world except for rapid additions to their numbers. Only a few years went by until our population had doubled. It doubled, of course, out of the populations of foreign countries that had come here—the outcast, the refugee, the man fleeing from adversity, most of them coming here in pauper's rags or sent over by the bounty of other men; but when they came they became a part of the sinew and bone and soul of America, so that when the War of 1812 came around we found ourselves much more able to defend than we would have been if we had possessed only the 2,500,000 people who were here at the close of the Revolutionary War.

From that day on these people came and continued to come, and the alarmist stood and continued to sound his alarm. Each shipload of people who came to our shores at once brought to the surface the fears of these people. They declared that their blood, now become royal and superior, would be contaminated by these hordes coming here from abroad; but they continued to come. Before their axes the forests fell. With their shovels the mountains were tunneled. With their brawn the railroad tracks were laid. With their brain and their brawn and their energy they redeemed this continent. If we had shut off immigration after the Revolution, we probably would not have been a people of 110,000,000 to-day. I have not the exact figures on that point, but I think the statement is safe. Instead of being the greatest country in all this world, we would have been yet a weak country. I question, sir, whether there would have been many more white men in this country than there are colored people at the present hour. Perhaps I should put my figures of 10,000,000 at 20,000,000, for there are nearly 10,000,000 colored people here. Would that have been the

wisest course to pursue? Are there any here who, in view of this vast immigration, and in view of its results, are ashamed of the average American citizen?

We have been trying now for 200 years the policy of the open door. It existed before the Revolution, and it has existed ever since; and at the end of that time, with the most glorious result of nation building and nation progress that has ever been furnished in all the history of the world, we are suddenly told that if we do not stop it at once our country will be ruined.

Let me call your attention to another fact. The States having the largest foreign population are the States possessing the wealth, and possessing, in addition to the wealth, the best public-school systems. I do not say that wealth is the test of greatness, but it is one of the tests of progress. I do not put this particular argument forward as conclusive at all in itself, but as an argument that goes far to annihilate the doctrine that when a man happening to be born under a European sky comes here he subtracts from the sum total of American intelligence or patriotism or energy.

Rhode Island has a percentage of foreign-born whites of 32.8. The value of the property given in the Statistical Abstract for Rhode Island—which had a population under the census that I am using, that of 1880, of only 276,000 people and under the census of 1910 of 542,000 people—was \$799,000,000. Its area was only 1,000 square miles.

South Carolina, with a foreign population of four-tenths of 1 per cent, had an area of 30,000 square miles—thirty times the area of Rhode Island—and a population of 1,515,000 in 1910. Although its area was thirty times as great as that of Rhode Island and its population three times as great as that of Rhode Island, its wealth was only \$585,000,000, or only about five-sevenths that of Rhode Island.

Is there any lesson in those figures for you, Senators? I shall not take the time to read the rest of this table; but let me say that the figures I have just given are characteristic figures, and that in a general way they will apply to all the States having a very large foreign population, upon the one hand showing vast increases in wealth, and the other side of the shield is shown in the States having the smallest foreign population and likewise the smallest percentage of wealth, which means material progress.

I will give you just one other illustration. North Carolina, with three-tenths of 1 per cent of foreign population, with an area of 48,000 square miles and a total wealth of \$842,000,000, I put in comparison with Massachusetts, with 31.2 per cent of foreign population, with an area of 8,000 square miles, as against 48,000. Massachusetts had a wealth of \$4,956,000,000 and North Carolina \$842,000,000.

What do these figures mean?

Mr. WATSON of Georgia. Mr. President, will my friend from Missouri allow me to ask him a question?

Mr. REED. Certainly.

Mr. WATSON of Georgia. A moment ago the Senator was speaking about the vast increase of the power of this country owing to immigration and citing the comparative figures. Has my friend from Missouri studied the increase of population in such countries as Holland, Belgium, Germany, and Japan and compared the immense strides which Japan has made upon her own native population with the strides which we have made upon native population and immigration combined?

Mr. REED. I have not given the matter study in direct connection with this question. If the Senator will permit me, I will answer his question more fully in a moment. I was just developing a theme.

Mr. President, I now come to answer the question of the Senator from Georgia [Mr. Watson], who is a student, and whose studies are not circumscribed merely by the boundaries of our own country. It is very true that there has been a very large increase of the native population of Japan without any substantial immigration. It is very true that there has been a very large increase in population in Germany, and I think in Holland, in Great Britain, and other European countries during the last century, without substantial acquisition from the outside, and I apprehend that what the Senator is seeking by his question is to draw the conclusion that if that has been true there, we would have increased with very great rapidity here, even if no foreigners had come, from the days of Patrick Henry on.

There is some logic in that, but it by no means, in my opinion, justifies the conclusion which I think the Senator means to draw. The reason Japan did not many, many centuries ago overrun her borders was an economic reason. She had as many people as could be supported, and whenever a nation reaches that point they stop reproducing, or at least there is a great limitation placed upon it, and whenever a nation of that kind

gets in a more prosperous condition the answer is always found in an increase of population. The ability of Great Britain, through her manufactures and her industrial development, to support a larger population, undoubtedly vastly increased the population of Great Britain in the last century of time, particularly if we exclude Ireland, where the converse is shown; where, because of bad government, starvation, and emigration, the population was cut in half.

So in Germany it is true that the population has largely increased in the last century, but going along with it was an industrial development which made it possible for large families to exist and for the population to rapidly increase.

In addition to that, of course, there has been another contributing cause in all of these countries and in our own. Modern science has conquered many diseases and prolonged human life. It is a perfectly legitimate argument to say that these influences would have been at work in our own country if no foreigners had come here that we would have increased rapidly in population. But when I say we might have reached ten or twenty million whites by this time, I think I have taken into account every one of the conditions the Senator spoke of, for we would have been obliged to double our population several times if we had started with the original 2,500,000, whereas in Europe, in a century of time, they have probably increased something like 75 per cent.

Mr. WATSON of Georgia. Mr. President, will the Senator yield again?

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Georgia?

Mr. REED. I yield.

Mr. WATSON of Georgia. I understood the trend of the Senator's argument to be that we not only owe very largely our present wealth and power to foreign immigration but that we would be dependent in the future upon that, and would lose, in proportion at least, if we cut off immigration. I asked the Senator if he had the data before him—I am very much interested in his speech and would like to hear what those figures are if he has them—as to the comparative growth in power of wealth of Japan, based upon the increase of the Japs, and the power and wealth of the Netherlands, Holland and Belgium together, based upon native populations. I understand that Belgium is per capita the richest country on earth. Then I would like to have figures as to the vast strides in power made by the German Empire before the Great War, based entirely upon the natural increase of the German population. I asked the Senator, with a great respect for his ability, and endeavoring to secure information of value to this debate, whether he could tell us what those figures show as between nations which rely upon themselves and those which have to rely upon outside support.

Mr. REED. Mr. President, I tried to cover that as well as I could without having the statistics before me. I think, however, I have stated the fact as broadly as the statistics will show or the Senator will contend, that there has been an enormous increase in population and wealth in those countries.

The Senator drew one deduction which goes further than I have been endeavoring to argue; that is, that I am arguing that our future depends upon foreign immigration. I do not claim that at all, but I claim that foreign immigration, if we properly select the immigrants, will aid us in the future, as it has aided us in the past; and no one will go further than myself in insisting upon the selection being rigidly and carefully made.

But now let me see if the Senator's own illustration does not argue him out of court. If it be true that, pent up in his little country, obliged to import a large part of the supplies upon which he lives, the Belgian has made himself the richest man in the world, that must be the result of industry, of intelligence, of good citizenship, and if he has done that, over there, what harm will it do to let him come over here and give us the benefit of his energy and his intelligence? You see, you prove too much by that argument.

Mr. WATSON of Georgia. Mr. President, will my friend allow me another question?

Mr. REED. Certainly.

Mr. WATSON of Georgia. What evidence has he that the Belgian has come or wants to come; that he is in the class he speaks of?

Mr. REED. I have this evidence, that many of the Belgians have come in the past, a very considerable number in proportion to the population of that country. There has been a generous immigration from Belgium here, when you take into consideration the size of the country; for, of course, it is a very small country. Indeed, living in my own city there is a very considerable colony of Belgians, and very good citizens they are, too.

Take the German proposition. Germany had up to the war vastly increased her wealth and her power. I am not one of



those who propose, because the Imperial German Government led the German people into this war, to condemn the German people forever. Mr. President, they have done more than increase their power and their wealth. At the basis of their power, to a very large extent, lay a knowledge of scientific fact and organization which grew to be so tremendous that when they were mustered upon the field of war they were the most formidable enemy the rest of Europe ever had to confront.

That being true, I unhesitatingly say that if men of that type come here, bringing those qualities which the Senator states have made that pent-up country great, powerful, and progressive, they will not injure us.

The Hollander, the Dane, the Swede, the Norwegian, the Senator says have made great progress. They have. I grant the statement. If they have made it under the adverse conditions at home, pent up in little countries which are overpopulated, crowded, and hemmed in, then why will they, when they come to this country, not bring with them the same qualities which they possessed over there? If they are in the front in the march of empire and greatness, why will they not over here contribute to our welfare and advantage?

What harm have we suffered? The only harm I know of that the United States has suffered from foreign immigration has come not because we have failed to close our doors in the face of all foreign nations, but because we have not been discriminating enough and careful enough as to whom we admitted.

But because we have not been brave enough is no reason why we should now shut the door entirely, for that is what the bill in effect is intended to do. Admission ought to be a matter of selection and the selection ought to be made on the other side of the water and not here at our ports. If we have failed to take proper precautions in the past we ought to take them now and not resort to this method of practically total exclusion.

I believe the bill permits to come from any country a number equal to 3 per cent of the people from that country who are already here. Now, what is the sense in that? Those of you who argue on that side of the case say that a lot of the people that we have here are bad. All right, we will let 3 per cent more of equally bad come in. If that is sound, if what we have is fit to be here, and belong here, and is an advantage to us to have here, then we do not need and should not have a 3 per cent limitation. If they are bad people, if they are dragging down our civilization, if they are imperiling our Republic, then we ought not to allow any of them here.

Mr. WATSON of Georgia. Since the Senator addresses himself to me particularly—

Mr. REED. I did not. I was attracted to the Senator as I usually am.

Mr. WATSON of Georgia. I assure the Senator I appreciate that. But the Senator must be aware that yesterday I supported the amendment of the Senator from Florida [Mr. THAMMEL] to close the doors entirely and see how we could get along with what we have here, including, of course, the Senator from Missouri.

Mr. REED. The Senator's position is logical then.

Mr. WATSON of Georgia. Of course, it is logical. If I understand the drift of the Senator's argument he would open the door entirely—

Mr. REED. Oh, no; the Senator does not correctly understand me.

Mr. WATSON of Georgia. I am glad to stand corrected.

Mr. REED. I had intended before the bill came up to prepare a substitute, but the bill came here long before I had any idea it would come. I think that this country ought to establish tribunals in the principal countries of Europe, and to those tribunals every prospective immigrant ought to make his application. His whole character ought to be examined into, the burden ought to be put upon him to show that he is a man of good character, capable of supporting himself, with sound health, with sound morals, that he is attached to the institutions of the United States; that he proposes to renounce all allegiance to foreign kings, potentates, and powers, and intends to make of himself a citizen of this Republic. Now, if that is done our doors can be wide open to that class.

Mr. WATSON of Georgia. Without limit?

Mr. REED. Without limit, but not by any means open to the class of people who have flocked here from some countries. I will go further than that with the Senator. I believe there are people who, because of racial differences—and I said this yesterday, naming two races—fundamental characteristics that do violence to our methods of thought and of living, ought to be kept out altogether; but when we speak of Europe, speaking of it broadly, if the method I have suggested were adopted there would be no occasion to be alarmed at an influx of population. That is my judgment, though I may be wrong.

Mr. WATSON of Georgia. Would not the inevitable consequence be, if I may ask the Senator, that those only would apply for examination and for the right to come here who have made a failure of themselves in their own country?

Mr. REED. Oh, I think not by any manner of means. I think exactly the converse is true. I think the man who has the courage to come to a new country to better his condition is, generally speaking, the boldest and the best of his class. Of course, we would not expect the aristocrats to come, for they must abandon their titles, their emoluments, and their honors. We would not expect the extreme wealthy to come, for they are so happily situated at home they would not want to come. But outside of these classes I have named there is that great body of men and women whom Jefferson loved to refer to as the great common people, not the lazzarone, not the offscourings and derelicts, but that class of men and women who have an ambition to make homes and to get along in life. Our immigrants for the most part have been of that kind.

I have said on other occasions, and I say now, that, speaking broadly, we got the best of the blood of Europe in the immigrants who have come to this country. It is not the derelict who comes. Occasionally one of them drifts here, but generally speaking, if I may drop into the vernacular, it is the game man who has always come. It was the brave and adventurous who came here and planted their colonies in the Southland and along the coasts of the North. It was the brave and adventurous who followed them, and to-day, if you would go into a European community and look among the people of that community and find those who had the courage to come here, while the whole class might be such as we would not want to come in some places, nevertheless I venture to say that those who have come will average far above those who stayed behind. I believe that to be true. I believe it has always been a mistake to say that Europe is dumping her foul population upon us.

On the other hand, I think that the French peasant in whose veins there flowed the healthful, honest blood, in whose heart there were the impulses of fatherhood and patriotism, was a better man when he came here than the average of their nobility, and I believe that is generally true of every other one of those countries.

Mr. CARAWAY. Mr. President, will the Senator yield to me?

Mr. REED. I yield.

Mr. CARAWAY. If those immigrants were such worthy citizens here why did they not succeed in their homeland, and why has the Senator said that most of them came here in rags?

Mr. REED. Why did not your ancestors succeed in their own land?

Mr. CARAWAY. Does the Senator expect me to answer?

Mr. REED. Yes; I ask it in all kindness and, of course, in all politeness. Why did not mine? Why did our ancestors come here?

Mr. CARAWAY. Of course, I do not know why the Senator's ancestors came. I should like to know, but I would not like to hazard a guess.

Mr. REED. The Senator may.

Mr. CARAWAY. I would rather take him outside and let him tell me privately. Mine came because it was a great deal more healthful here in some respects than it was where they came from.

But the statement to which I wished to call attention, if the Senator will pardon me just a moment, was this: The Senator said the immigrants are the possessors of wealth, because he said the wealth is found where the immigrants are, and he said the learning and the desire for education are in the immigrant and in his children and not in the native born.

Mr. REED. Oh, no; I did not make either of those statements.

Mr. CARAWAY. Will the Senator pardon me? He said, and I wrote his words down as he uttered them, that in those States where the foreign population was greatest the best schools were found and the most wealth was found.

Mr. REED. I did make that statement.

Mr. CARAWAY. And that in States where the foreign population was less there is less of education and less of wealth.

Mr. REED. I made both those statements, but that is not what the Senator just said. But proceed; I did not wish to interrupt the Senator.

Mr. CARAWAY. I am curious to know how long an immigrant has to stay in America before he loses the vitality and virility he had in the old country. How many generations did our fathers stay here before they ceased to love education and ceased to have the ability to acquire wealth, if the immigrant is not a better man when he comes than the native American stock among whom he comes.

Mr. REED. Has the Senator concluded?

Mr. CARAWAY. Yes.

Mr. REED. That is a very shrewdly put question. The Senator undertakes to put me in the attitude of saying that the native American has degenerated. I did not say that.

Mr. CARAWAY. Pardon me; either he has degenerated or the immigrant is the better man of the two.

Mr. REED. Oh, no; neither conclusion follows by any manner of means. In the first place, I am not saying this. I am proving the statement that the children of foreign-born parents are sent to the public schools better than the children of native born, and I am proving it from the official statistics of the United States. I have nothing to do with the other question when I produce those figures. In the next place, I am producing these figures as to the wealth in certain States and as to the degree of their foreign-born population from the official figures of the United States census, but I have not argued that the American citizen is degenerating, neither have I argued that the foreigner makes all the money. What I have said is this, and there is no use of trying to twist or distort it from just exactly what I did say: I said that the figures in these official reports show what I have stated, and that the States that had received the influx of foreigners had advanced most rapidly in wealth. I will say to the Senator frankly that I think it was the American citizen who was here got the most of it.

Mr. CARAWAY. May I ask the Senator a question?

Mr. REED. Oh, certainly, but I should like to answer the one which the Senator has asked and then I will answer any other question the Senator may wish to ask, although I do not wish to stand here very long.

Mr. OVERMAN. Mr. President—

Mr. REED. Let me conclude the answer.

Mr. OVERMAN. Very well.

Mr. REED. The Senator from Arkansas [Mr. CARAWAY] asserts by his argument that people who come to this country can not have amounted to anything in the world or they would not be here. That was the assertion which was made by the Senator from Arkansas. I do not think we want to stand on that. I do not want to admit that my ancestors did not amount to anything and that they came here because they amounted to nothing in their old home. I think they were humble folk, but I think they were honest, notwithstanding the intimation of the Senator that I had better be inquired of in private. [Laughter.]

Mr. CARAWAY. May I ask the Senator a question?

Mr. REED. Certainly.

Mr. CARAWAY. How long did the Senator's ancestors stay here until they ceased to be as good as they were when they came, for if the Senator's argument means anything—

Mr. REED. Oh, well, I shall answer that if the Senator will not be impatient, and I think I shall answer it so successfully that even he will be convinced.

My ancestors came here, of course, to better their condition. I think that nearly all of the people who came to this country came for that reason. They did not come because they were human derelicts at home. They came because they were enterprising men who were willing to face the adventures of the deep and the perils of the forest in order that they might build homes for themselves and families and live a life of broader freedom and opportunity. That is why they came, and that is why immigrants are coming now. When anybody intimates that nobody but derelicts ever leave Europe he casts an aspersion on his own ancestry and on the ancestry of every other American citizen. The Senator from Arkansas did not mean to go that far, I am sure.

Now, let us see about the degeneration. It is simply a cold fact, according to the figures, that the foreigner has been sending his children to school better than has the native American citizen of to-day. That is merely the fact; I did not make it. When men were drafted into our Army during the recent World War the amount of illiteracy which was discovered was appalling. Everybody knows that; nobody is proud of it; everybody would like to see the condition remedied.

Now, I suppose it is true, if the Senator please, that the foreigner who comes to this country in many instances did not have the benefit of free schools at home. Frequently when he comes here he himself has no education, but coming to this new land, finding these advantages, realizing that he must succeed by his own efforts and that his family must succeed by their own efforts, he sends his children to school with greater care than does the native American at the present time. The percentage is not startling, but it is there, and it is a material percentage. I suppose that is the answer. Nevertheless, no matter what may be the reason, the fact is here, unless the

United States Census Bureau has deliberately falsified the figures which they have gathered all over the United States.

Moreover, I might tell the Senator that there are some sections of this country where there is a considerable portion of the white folk who never have paid any attention to education; who did not do it in the days of the Revolution and never have since. I am sorry that is true. Yet they are good people; in many respects they are wonderful people; but I think that that is one very bad mark against them, and one which I hope to see removed.

Mr. President, I have been drawn a little aside from what I wanted to say. I think the pending bill is drawn on false lines. I think the clamor that we are about to be overrun by immigrants from European countries is all a mistake. I think we ought to adopt a system entirely different from this, a system of selection. I expect to see the Senate reversing itself inside of 24 months on this question. It may not do so, but this is not the first time we have witnessed propaganda carried on, excitement produced, and then people have found after a while that they were mistaken. I forgot that the Senator from North Carolina [Mr. OVERMAN] rose to ask me a question, and I now yield to him.

Mr. OVERMAN. Mr. President, I did desire to interrupt the Senator when he referred to my own State of North Carolina. I want to refer the Senator to some statistics about that State.

It is true, Mr. President, that in North Carolina we have less foreign population than is found in any other State in the Union, and we are proud of it. It is true that we have been the lowest in literacy, which has been occasioned, of course, by our large colored population; but in the last 10 years we have lifted ourselves 14 points higher, and the statistics now show that, although we have less foreign population than has any other State in the Union, in percentages North Carolina has increased in population and in wealth more than has any State in the Union.

The statistics also show that we have fewer divorces than has any other State in the Union; that our birth rate is higher than that of any other State in the Union; and that our death rate is less than the average.

These are some of the statistics relating to North Carolina, and if the Senator from Missouri had examined the figures of the last census he would have discovered the great progress North Carolina has made. I do not say what has caused it, but the fact is that its citizens are a homogeneous Anglo-Saxon people, descended, as the Senator has said, from men who came across the sea; the foreigner is not there. As I have stated, we have increased in wealth. We are now, with only 50,000 square miles, the seventh State in the United States in agriculture. We raise more tobacco than any State in the Union. We have more textile industries than has any other State in the Union.

Mr. STANLEY. Mr. President, I am deeply impressed by the eloquent tribute—

Mr. OVERMAN. I know what the Senator from Kentucky is going to say about tobacco.

Mr. STANLEY. The Senator from North Carolina is paying tribute to his great State; but he must not forget that out of approximately a billion three hundred million pounds of tobacco which are produced in the United States Kentucky alone produces nearly 500,000,000 pounds.

Mr. OVERMAN. I know, Mr. President, that Kentucky has been ahead of North Carolina in the production of tobacco, but if the Senator from Kentucky will examine recent statistics—

Mr. STANLEY. If the tobacco of North Carolina could be piled up beside the tobacco produced in Kentucky, it would be as Ossa to a wart. [Laughter.]

Mr. OVERMAN. The Senator from Kentucky has not examined the recent statistics in reference to that matter.

Mr. STANLEY. How many million pounds does North Carolina produce?

Mr. OVERMAN. I do not know; I have not the statistics.

Mr. STANLEY. I can tell the Senator.

Mr. OVERMAN. I think we are now leading Kentucky. However that may be, the Senator knows we are one of the greatest tobacco-growing States in the Union.

Mr. STANLEY. Yes; North Carolina is one of the greatest of the tobacco-growing States and produces a wonderful quality of tobacco, but she does not raise tobacco like that of Kentucky; we produce a tobacco of great value. [Laughter.]

Mr. OVERMAN. North Carolina does not produce the burley tobacco, but she raises a splendid smoking tobacco, and we are one of the greatest, if not the greatest, of the tobacco-producing States. Kentucky may be slightly ahead, but the Senator knows that North Carolina, at any rate, is second.



Mr. STANLEY. Oh, North Carolina is entitled to any place so long as she does not challenge the primacy of old Kentucky. [Laughter.]

Mr. OVERMAN. I think that the statistics will show my statement to be correct. However, Mr. President, what I wanted to say is that North Carolina has increased in population to a marked extent, as the census returns show, and the statistics likewise prove that we have lifted ourselves, so far as illiteracy is concerned—and we are ashamed, of course, that there is any illiteracy within our borders—14 points higher than we were, and we have increased in population to 2,300,000.

Mr. REED. Mr. President, I would not on any account have anybody think that I am trying to reflect on any State of the Union. I have compared the States simply from the figures that are given by the compilers of our statistics. The Senator from North Carolina says that his State has now 2,300,000 people. The figures I have before me for 1910 give me 2,206,000.

Mr. OVERMAN. I was speaking of the last census.

Mr. REED. But the figures I have given are within a hundred thousand of the figures given by the Senator from North Carolina.

Mr. OVERMAN. Yes.

Mr. REED. So there is no quarrel about that. North Carolina is a splendid State and is the home of splendid people. It is because she is a splendid State and her population are a splendid people that I can take her as a standard; and when I show the Senator that the foreigner comes here and sends his children to school a little better than do the people of his State I have proven the foreigners' case by comparison with the great people of a great State.

Mr. OVERMAN. I admit that it is true of our colored population.

Mr. REED. No; I am speaking of the whites. I have not dealt with the colored people in the figures I have given.

Mr. OVERMAN. No; the Senator takes the statistics as to education.

Mr. REED. Of the whites.

Mr. OVERMAN. I do not think so.

Mr. REED. The Senator says that the people of North Carolina are improving. I am glad of it. I have not any doubt of the future of that State; I have not any doubt of the future of any of the Southern States. Every sympathy I have in the world is with them. I feel more a neighbor to them than I do to any other section of the country. The simple lesson that I am trying to impress here to-day is that this alarm about the foreigner coming here and dragging down our civilization is not well founded; that it is refuted by every line of American history and by every comparison of facts. Nor did I say that it was the foreigner coming into Massachusetts and other States that had produced their wealth, but I did say that the two facts were found side by side, and I do say that the wealth of America, the power of America, and the majesty of America have been growing every year since the first white man put his foot on this continent; that the fathers of us all came from foreign shores, and that the men who are coming now will add to our material wealth, to our prosperity, and to our greatness. That is undoubtedly true if we will adopt a system of careful inspection and investigation on the other side.

Mr. President, there is a human side to this question which I think we may well consider. I very much doubt the right in morals to deny to one of God's creatures the opportunity to go from country to country and from place to place in order to establish his home, provided he comes with clean hands, with a clean heart, with a clean purpose, and proposes to perform all of his duties under the Government he shall have adopted, and provided he is of that race and blood so that he can amalgamate himself into the body of the people.

I commented yesterday on one matter that I was about to omit which I desire to refer to just briefly. I stated then that the first dead that were brought back—I believe I said, inadvertently, from the European war; I meant to say the trouble in Mexico—answered the question of whether these men of foreign birth served our country. Here are the names of the men brought back from Vera Cruz. Follow them:

George Poinsett. You might say that was an American name. Louis Frank Boswell, likewise.

Gabriel A. De Fabbio, Francis P. De Lowry, Frank De Vorick, Elzie C. Fisher, Louis Oscar Fried, E. H. Frohlichstein, Dennis J. Lane, John F. Schumacher, Charles Allen Smith, Eric Alvin Stream, Walter L. Watson, Daniel Aloysius Haggerty, Samuel Martin, Edward Rufus Percy, Randolph Summerlin, Clarence E. Hirschberger, Harry Pulliam.

Mr. WILLIAMS. What is it the Senator is reading from?

Mr. REED. The CONGRESSIONAL RECORD, the names of the dead brought back from Vera Cruz.

Mr. WILLIAMS. Oh, yes.

Mr. REED. Some of those are English names; some of them are Irish; some of them are Italian; some of them are Slavic; yet they were all good Americans. They fixed their bayonets and moved to the front, following the flag. They died like thoroughbreds, and their bodies sleep in our soil, and their funeral oration was delivered by the President of the United States.

I have here a muster roll of the marines—not the drafted men, but the men who volunteered in the marines to get into the fighting early. Examine it and you will find the names of men from Poland and Austria and Germany and Switzerland and Italy and all the other countries of Europe; and as they marched away in their brown uniforms you could not have told to save your life, in most instances, the original nationality of any of them. And so, in the walks of peace they are struggling on and doing the best they can; and we are saying now for the first time in our history, save the days of the old "know-nothing" agitation which practically destroyed one political party and may be said to have given vitality and life to another, that we desire to pursue the narrow policy of exclusion.

I want to say one word on the immediate amendment that is before the Senate. It proposes to keep open the doors of this country as an asylum for those fleeing from religious or political persecution. I wonder what the Senate will do with that. Will we reverse all our traditions and policies? Will this Nation, that has always been the harbor for those who fled from persecution of various kinds, close its doors now to those who flee to our shores and seek refuge? I suppose we will; but, so far as I am concerned, Mr. President, I protest against it as a mistake, a grievous mistake, one which will not add honor or luster to our country or to its history.

Mr. WILLIAMS. Mr. President, I think I noted several fallacies in the argument of the Senator from Missouri, to some of which I propose to call attention. Of course, the Senator did not intend to attempt to prove the inferiority of our native stock to the foreigners who were coming in, but, all the same, the argument that he made would lead to that conclusion, if there is anything in it worth making at all or worth hearing.

Mr. President, one of the first fallacies that the Senator made was that he forgot that times change and men change with them. It was originally true that the people who left Europe and came to America were the boldest, the bravest, the most enterprising, and those who most sought freedom; but tempora mutantur, nos et mutamur in illis—those times have changed, and people have changed with the times. That is not true now. It was true when the gentlemen adventurers went to Kentucky and to North Carolina, when the Puritans and the Pilgrims went to New England, when the men of the Palatinate left religious persecution along the Rhine and came to Pennsylvania; it was true when the Huguenots left France and came to South Carolina; but it is not true now. The man who leaves Europe to-day is not leaving it for the purpose of home seeking or home making or of carrying a rifle into the wilderness and plowing with one hand while he watches the woods for Indians with both eyes. The man who comes to America to-day is the wage earner or else the political nondescript, who has been cast out in his own country because of socialistic or anarchistic opinions of some description.

That is not true without exception, of course. It is hard to make any statement that would be true without exception. Everybody who knows anything of the history of this country and of such men as Alexander Hamilton and Albert Gallatin and Agassiz and a hundred more that might be mentioned if time permitted, knows that a great many of our very best citizens were born abroad. But, Mr. President, the men who came with the large ideas of an imperial England in the spacious times of the great Elizabeth to settle in Virginia and found a new English empire were not succeeded by men who are doing the same thing to-day. The men who left Moravia in Austria because they were being harried to death by the Church of Rome are not coming to America to-day. The men who deserted the shores of England and Scotland, Presbyterians and Puritans, because they were being harried there are not coming here to-day, because the same cause does not exist in any of these cases; nor is the gallant cavalier, who was going abroad to a life of adventure and enterprise in order to build up a new domain for himself, coming to Virginia to-day. It is true, as the Senator from Georgia intimated in a question that he asked, that the Belgian, for example, who is coming to America to-day is the Belgian who has failed at home, and not the man who has made possible Belgium's wonderful strides within the last half of a century.

Mr. President, the man coming to America to-day is the wage earner. He is not a man seeking a farm. Now, that leads me to the next fallacy that the Senator has committed. He says

that the children of the foreigners are going to school in larger percentages than the children of the native American stock. That is true; but it is not because the children are the children of foreigners and the other children are the children of native American stock. It is because the native American stock are settled in the mountains and out on the prairies and in the country and on the farms, where school facilities do not exist to the same extent, while the foreigner settles in the cities and in the towns, where the native American stock long ago, as soon as the country was sufficiently densely settled, built up schools for him. He has not built them up for himself.

The old fallacy is there of thinking that because two things run along with one another, one is the cause of the other. It is not true that the foreigner seeks an education for his children to any greater extent than the native-born American does. It is true that the foreigner's children attend school in a larger percentage, because the foreigner lives in Massachusetts, Rhode Island, New York, Pennsylvania, Illinois, and not only in those States but in the cities of New York and Chicago and Buffalo and all these large cities, where the wealth of the country has enabled the people to build up splendid schools, and where in most cases they have compulsory education. He being a foreigner has nothing to do with it. The other child being the child of a native American parent has nothing to do with it. In the mountains of North Carolina there is a larger percentage of children not attending school, simply because there is a larger percentage of children who have no school to attend. The country is too thinly settled. You have to have a certain number of pupils to make a school, and even when a small school is established the child has to walk too far or ride too far to get to it. That is the reason.

So that all these statistics do not prove anything. They do not mean anything. They simply mean the fact that in the communities where the foreigners live a larger percentage of children go to school than in the communities where the native Americans, as they are called—the native stock we had better call them—live. Of course, a man can not send his children to school in the mountains of eastern Kentucky, or of eastern Tennessee, or of western North Carolina, or parts of West Virginia the same number of days that a man in Boston, who was born in Italy, can send his children, especially as the Italian in Boston is forced to send his children, anyhow, whether he wants to or not.

So much for that.

Then the Senator commits the same fallacy again, when he goes on to show that the percentage of foreigners is largest where the percentage of wealth is the largest. But he has the cart before the horse. The foreigner has not made the percentage of wealth largest there. The foreigner went there because the wealth was largest, because there is where the money was which could hire day laborers in the mines and in the factories.

Again, the fact that one community has a larger percentage of native Americans, as they are called, and the other a larger percentage of foreign born, has nothing to do with it except this, that the wealth existing there attracted the foreigners; and, by the way, the Senator was right when he intimated that the native American is making the money out of the foreigner, while he is doing the work, for the most part.

Let us not fool ourselves by looking back to our ancestors, saying that if the man who comes to America to-day is not the man we would want him to be, therefore our ancestors who came here were not the men we would have wanted them to be. Times have changed, and with them men and men's ways of immigrating. Men immigrate now in order to get a larger per diem pay. The men who settled Virginia did not go to Virginia to get a larger per diem pay. The men who settled Massachusetts and Vermont did not go there to get a larger per diem pay. Even when they were seeking material advantage they were seeking it in the shape of a home, which they were going to gain by their courage, with their rifles over their shoulders and their plow handles in their hands.

The Senator has described what occurred when America was a new country; but let him remember that America is no longer a new country. There is absolutely nothing more new about it, and the things that tempt the enterprising and the vigilant and the progressive and the freedom-seeking to go to a new country do not exist here. A man can not go into the wilderness now and carve out a home, a plantation, a homestead for himself and his family and build up a family as he used to do.

Mr. CARAWAY. Mr. President, I wish to interrupt the Senator for a moment. He said there is nothing new in America. I think he omits the logic of the Senator from Missouri.

Mr. WILLIAMS. I did not mean to say there is nothing new in America, but I meant that America does not have that new-

ness which attracted enterprising, bold spirits to carve homes in the wilderness. The wilderness is gone. A great deal of it is gone through overexploitation and abuse, too, I am sorry to say; but it is gone.

Mr. STANLEY. Mr. President—

The VICE PRESIDENT. Does the Senator yield to the Senator from Kentucky?

Mr. WILLIAMS. I yield.

Mr. STANLEY. Does not the Senator from Mississippi think that the crux of the whole proposition is in this, that originally immigrants came to America, now immigrants are brought to America?

Mr. WILLIAMS. That is to a large extent true, but not altogether. A great many people are very anxious, since the war, to come of their own accord to America to escape taxation and debt, bedevilment of after-war effects of various sorts; although, of course, the steamship companies are bringing vast numbers of them and putting out advertisements which are getting them under false pretenses, while they bring them. But there are numbers of people in Europe to-day who would like to come to America; and numbers of them are very good people, too.

But the racial factors are different from what they used to be. Instead of English and Scotch and Welsh and Irish and Germans and Scandinavians, without mentioning them, because I do not want to cast a slur upon anybody's race, all of them are the children of God, there are other races coming now, not the sort that built this country.

Mr. STANLEY. To take a concrete instance, when the Mesaba Range was first developed thousands of Swedes, Norwegians, and Finns came over voluntarily into that part of the country and engaged in the development of those mines. In the course of time there were labor troubles, and those Scandinavians went on a strike. In order to keep the business going, Bohemians, Italians from southern Italy, Sicilians, and people from the Balkan States were brought in in great numbers. Not one of those people from northern Europe left the country. They went out into Minnesota and developed it like a garden, and they are there yet.

Mr. WILLIAMS. They went to the farms.

Mr. STANLEY. They went to the farms. A small per cent of those who were brought over here under contract remained.

Mr. WILLIAMS. Mr. President, of course, that is to a very great extent, to a very major degree, true, and these men, as I said a moment ago, come seeking a higher per diem pay for manual labor, and, of course, they go to the centers where manual labor is employed; that follows necessarily from the very cause of their coming. And this follows necessarily for us, that they are piling up foreign colonies, concentrating them at certain particular places, until they are ceasing to be American in thought and English in language, and it is so in a great many parts of this country.

I saw the statement somewhere that the old town of Boston, Mass., now contains 66 per cent of foreign born, or the children of foreign-born citizens. I know not whether that be true or not; but if so, it is a bad thing for the country, not because the foreigners are in America, but because they are concentrated in a small place.

Mr. President, there is nothing more important for a republic, for any democracy, even if it were a democracy with an hereditary president, with a crown on his head, instead of one with an elected president—there is nothing more important for any democracy than a homogeneous population, with like traditions, like ideals, like aspirations, like thoughts concerning what is best for mankind, like tokens of citizenship, like pride, homogeneity. What have we come to now? We have in this country to-day millions of men, who, when they go to the polls, do not vote as Americans at all but vote as Germans, vote as Irishmen, vote as Italians, vote as Poles, or vote as Hungarians, or Austrians, and are determined, in the manner in which they vote, by the interest which their coracial people have across the sea, or what they think to be their interests, at any rate; sometimes they are woefully mistaken even about that.

It requires no statistics to establish that fact. Every man who lives in America, especially every politician, knows it. They are voting just as much according to their European racial nativity as the niggers are because of their African derivation.

You can not have untrammelled law and order and wise liberty unless you have equality, and you can not have equality unless you have fraternity and likeness of thought, if not an identity, a likeness, at any rate, of an end and aim in political and in moral matters. You can not have a real homogeneous people when you are keeping a boarding house for transients,



and when men are not ashamed, instead of calling themselves simply Americans, to call themselves some sort of hyphenated Americans, and to take pride in it.

Of course, the Senator from Missouri did not intend anything of the sort, it is as far as possible from his thought, but his argument sounded like a labored attempt to show the inferiority of the native stock, and the superiority of the foreign born and of their children; that they were taking better advantages of schools; that they lived where there was the most wealth; and that they also lived where there was the most population. Again he got the cart before the horse. The foreigner went to the places where there was already the most population in order to get employment. His being there was not the cause of the density of the population.

Mr. President, I think we can get along very well for some years while we try to assimilate these elements we already have, which thus far have not been assimilated. Before the Great War we used to talk a lot about the melting pot, and I for one used to believe in it, strange to say. Now, I see that of all the species of tomfoolery a man ever indulged in was this talk about a melting pot. It has not melted any of them. They are either Germans or Irish or Italians or Poles or Magyars or Austrians, four cases out of ten, at any rate, and probably seven out of ten. America comes second with them.

I think if we get along about 10 years assimilating what we have we will be better off. And as to our halting in population, we would not halt in population at all. The only reason the native stock in New England has not bred faster was because it was crowded to death with foreigners, and the native American would not have children that he could not support. But for the competition and the crowding, families in Massachusetts would be as large to-day as they are in Mississippi, and in Mississippi we have larger families than almost any of these foreigners; really the white families in Mississippi are larger, as the statistics show, than even the nigger families.

Why is that? Because there is plenty of room and plenty of chance to go ahead. The mother knows that the son who is just born can probably find the environment in which he can support himself and that the daughter just born will probably find a husband who, in the environment, can support himself. And the native Yankee, the native of New England stock, has, I suppose, wisely, but whether wisely or not, limited his family. The competition in the necessities of living about him were such that it was a wise thing to do. I shall not, at any rate, enter into that. It might have been unwise. Perhaps it would have been wiser to have had more faith in the future and a larger feeling of course and a larger feeling of confidence in his own offspring's cutting its way through, foreigners or no foreigners, crowding them; and the old New England Yankee would have cut his way through, too. He had the courage; he had the intellect; he had the moral stamina; he had everything else. But whether he made a mistake or not, the reason for the smallness of families consists in the density of population, and if the density of population had come about by a too early and too large immigration, this result would not have followed. My friend the Senator from Missouri has too often in his speech concluded that one thing was the result of the other, because it happened to run *pari passu* with it.

Mr. REED. Mr. President, I wish to take just a moment in reply to the Senator from Mississippi [Mr. WILLIAMS]. The Senator states that all the foreign population in the States is now crowding into the cities.

Mr. WILLIAMS. Pretty nearly all.

Mr. REED. The Senator is in error about that. Let us take Minnesota. There are really only two cities in the State of Minnesota, and neither of them is large. Twenty-six and two-tenths per cent of the population is foreign born. Let us take Michigan. There is really only one large city in Michigan, and there is 21.2 per cent; Wisconsin, with only one city of any considerable size, 22 per cent; Montana, without a single large city, 24.4 per cent; Colorado, with no city of any considerable size except Denver, and it is not a large city, 15.9 per cent.

Mr. WILLIAMS. If the Senator will permit an interruption right there, immediately in this connection, is it not true that a majority of the population that is foreign in Michigan, for example, is in Detroit, and a majority of the foreign population in Missouri is in Kansas City, St. Louis, and St. Joe?

Mr. REED. No; I did not name Missouri.

Mr. WILLIAMS. I think statistics will show that to be the case.

Mr. REED. But the fact is, and I wish to discuss these questions just as I understand the facts to be, that where it goes depends a great deal on where the population comes from.

The immigration into Minnesota and the Northwest generally came, a good deal of it, from the north of Europe.

Mr. WILLIAMS. From Scandinavia chiefly.

Mr. REED. And, as Bacon demonstrated, immigration generally follows pretty closely the isothermal line. A very large percentage of the farmer population in the States to which I have just referred is of foreign extraction. It is equally true, and no one who wants to be fair in debate will deny it, that too many of the foreigners who come to this country now are likely to stay in the great cities of the East and to seek employment there.

I was talking with the Immigration Commissioner of the United States this morning—and I think I am at liberty to quote him—and he does not at all take the view that the pending bill is wise legislation. He states that selection and distribution is the correct answer and not prohibition.

I simply call attention to these things to show that the claim can not properly be made that the foreigners all stay in the cities; neither can it be made that they are simply wage laborers. I have not the figures with me, but they have been prepared in a way at least so they can be gotten at, and I am sufficiently familiar with the subject to make the assertion that the foreigners enter every line of business and every line of labor. We find them among the doctors and the lawyers. We find them among the merchants and the manufacturers. Of course, a large portion of them are laborers. They came here because they were poor in the other country and they wanted a chance to develop themselves. The ancestors of the men about us came under similar circumstances. There is a Senator in this Chamber now who has told me, and I think he likes to tell it because I think he is proud of it, and he has a right to be proud of it, that when he came here he was 8 years old and had one dollar in his pocket. He had not made much of a success over there. There is no higher encomium can be paid to any man than that he started in life without any wealth or powerful influence back of him and by his own integrity built up the structure of his character until he had achieved success.

Now, I am going to be frank about this. There have been in recent years a great many men who came to this country not to abide but to earn some money because the labor market was short here and they could get work here or they were pressed out by hard conditions over there and they came expecting to go back. But that does not militate against the rule for which I am appealing, which is not to close the doors but to select the people. Nevertheless, the Senator from Mississippi rather overstated the matter, unintentionally, of course—we all take a little latitude when we are on our feet—but the fact is, taking from 1910 down to the opening of the European war, 1910, 1911, 1912, and 1913, much the larger proportion remained here. There was then a heavy emigration during 1914 and 1915, particularly of men who were undoubtedly going back to join their own countries in their battles, and I can not help admiring them for that. I think if I left the United States and was gone 50 years and this country got into trouble and I could do any good and was able to walk, I would feel like coming back, but I would not come back if it was fighting with the country I had adopted, and in this instance, at the time these people went, we were not parties to the war.

All told, in 10 years, according to the figures prepared by the Bureau of Labor Statistics, there remained in this country over and above those who returned 3,941,544 people, so that it is not true—I do not wish to use a word that would seem to anyone too harsh—it is not accurate to say that they came here just to go back. They have not been doing anything of the kind.

There is just one thing further that I wish to say about this. The question is not what the immediate immigrant does. It is the question of what his progeny will do. I grant you that frequently when he comes here he is uneducated. The reason I dwelt on the question of education was because I wanted to show that he did not propose to rear a brood of children in ignorance, not to show that he was better than the people in the United States, but that he was taking advantage of the conditions and that therefore his children and their children would move along in the currents of our life without doing violence to our institutions. If that is true, then the sole question to be determined, it seems to me, is to get the right kind of a man in the first place. Then we will get children who are reared under our institutions, who go to our schools and who do amalgamate in our life.

I can not agree with the statement that there are many disloyal people in this country. Race prejudice sticks in the hearts of most people. I think my friend, the very brilliant Senator from Mississippi, being by blood a Welsh, still thinks in a kindly way of that land from which his ancestors came, and I think it may sometimes prejudice his views just a little bit. I do

not blame an Irishman in America to-day if his heart bleeds for Ireland. I do not blame the children of other lands who come here if there is still in their hearts a warm spot for their native country if they put America above that and every other country.

I say now as I said on yesterday that I do not believe in any country of the world in the last war was there so little of disloyalty, so much of the genuine spirit of loyalty and sacrifice, as there was in the United States. I believe there was more treason in England against England than there was in America if we counted all the foreigners and all the sympathizers with foreign countries and multiplied them a hundredfold. I have selected England, because I believe England holds her people with a tighter grip of affection than any other country does except our own.

The Senator states that the character of population coming over here is changing. I have sought to demonstrate in other addresses, and I merely refer to it now, that the same claim that is being made now has been made ever since the first immigrant set foot in this country. It was charged then, as it is being charged now, that he was a bad citizen, an inferior creature. The people who come here we are meeting every day, and I insist that it is not the fact, taken as a whole, that they are of the character that has been described here by my friend from Mississippi. But if that were true, it is no reason to close the doors. The Senator made the statement that we close the doors for at least 10 years and let us assimilate them and then open the doors again. In the name of high heaven, if they are the kind of people he speaks of, why do we want to assimilate them and why do we want ever to open the doors again? If they are capable of assimilation, then they must be capable of making good citizens. If it is right to open the doors 10 years from now, then these people can not be the bad people he has described them to be.

We have to stand upon one ground or the other. Either they are fit to make good citizens and will make good citizens, and hence it is proper to receive them, or if they are bad citizens, then they should be utterly shut out of our country not for one year, not for 6 months, not for 10 years, but forever.

We do not want them now or in the future if they have been properly described upon this floor. The truth is that this bill was born in a shiver of hysteria. Somebody said all Europe is going to come over here and overwhelm us. Nothing of the kind is going to happen; nothing of the kind has happened in the past. It took all the steamships in the world two years to move 2,500,000 American soldiers over yonder and back. Of course, some immigrants will come, and, if they are not selected to suit you, let us select them.

This is a narrow bill, founded upon prejudice to a large extent. It will be an economic mistake. It will help build up Canada to our north to our disadvantage. I have taken all this time, when I should have been through hours ago if I had not been interrupted. I thank the Senate. I am simply making my protest, knowing perfectly well that the bill will be passed.

Mr. CALDER. Mr. President, the Senator from Missouri a moment ago stated that in his talk with an official of the Immigration Service this morning he was reminded that this whole question was one largely of selection and distribution. I have always held that view. It is unquestionably true. Sixty years ago, when a great many immigrants were coming here from the British Isles, from Germany, and from the Scandinavian countries, while many of those immigrants stopped in the large centers of the East, a large proportion of them went farther west. To the Irish, the Germans, and the Scandinavian peoples we owe the splendid citizenry that we have to-day in Wisconsin, Michigan, Illinois, Minnesota, Iowa, Missouri, the Dakotas, and other of the Western States. In those days we complained even of that character of immigration. As a boy I remember reading in the newspaper advertisements for the employment of persons, with the statement that no Germans need apply or no Irish need apply. These nationalities have so demonstrated their loyalty to America that the people from these countries are welcomed here. It is now being suggested that the Italian is an offensive immigrant, and that those who come from eastern and southeastern Europe should be shut out.

I have always been, Mr. President, favorable to liberal immigration laws, but I believe that we ought to establish at the gateways in Europe some agency to determine those who are the really objectionable immigrants and bar them before they leave the other side, if that were possible, as we do to-day at Montreal and the other Canadian gateways before they come to us from the north.

I believe that in the main, however, the immigration that comes here from Europe is helpful, and so to-day I propose to vote for the amendment of the Senator from California [Mr. JOHNSON].

We all recall that in the early days of the Republic, because of the French Revolution and the problems growing out of it, thousands of people of French nationality came here and settled because of political difficulties. We know that in the beginning of the last century many of the liberty-loving Irish people, who were making their struggle for independence, were forced to leave their country. We know that between 1840 and 1855 tens of thousands of people of German birth came here; that citizens of Poland, to escape political persecution, came here; and all of them have made good Americans. So I do not propose when such a proposition is presented here to agree that people who are in difficulty because of their religious or political beliefs shall be shut out, provided they are of the character of people who otherwise can pass our immigration regulations.

Mr. President, during the recent war I introduced a bill in this body, which was passed, which permitted the naturalization of aliens in the American Army and Navy without requiring them to be in the country the necessary five years, as provided by the naturalization law, or even requiring them to file their first papers. I know it will be quite astonishing to Senators to learn that as the result of that law 358,000 aliens, serving in the Army and the Navy, were made citizens of the United States in the years 1917, 1918, and 1919. I have not the exact figures before me, but I am informed that something like 500,000 aliens served in our Army and Navy during the late war. I recall distinctly visiting one of the draft boards at my home in Brooklyn. It was on the opening night of the sessions of the board. The first man who presented himself was an Italian. I remember that his name was Magenta. The drafting officer called him Tony Magenta. Tony said that he was an alien and had only been in the country three years. The drafting officer asked him if he wished to claim his Italian citizenship, but he replied, "No; I live in this country. I propose to stay here, and I am going to fight under its flag." We have a monument erected to Tony in Brooklyn. He was the first man killed in his regiment.

Mr. President, it was my privilege to visit Camp Upton where the Seventy-seventh Division was trained. That division was the New York City draft division. There were something like 70,000 men in it, and of that number 80 per cent were either of foreign birth or of immediate foreign parentage. In that division the Jew from the lower east side of New York, the Irish, the Italian, and the German boy from the west side of New York, all intermingled as Americans and fought under the flag. I am told that there was no better fighting division in the American Army overseas than the Seventy-seventh, and in which there was a greater diversity of birth and of antecedents than in any other division that fought in the war.

Mr. President, I am not afraid that the country is going to the eternal howlows unless we enact restrictive immigration laws. Perhaps this measure may be a wise one to pass for a temporary period, but for Senators to rise here and to insist that the country is in any worse condition than it has ever been, or that the life of the Republic is threatened because of the aliens in our midst seems to me even too absurd to argue.

It is true that in the city of New York 40 per cent of the population is of alien birth and 78 per cent is of alien birth or of immediate foreign parentage; but I venture the statement, despite all that has been said about New York and the other crowded centers of the country, where the foreign born reside in large numbers, that during the war there was no more loyal people and none who offered their services more readily or made better soldiers or performed the duties of a patriotic citizenry may be called upon to perform than these very people who came to us from foreign lands to escape the oppression in the countries of their origin, here to work out their futures for themselves and their children.

Mr. President, I shall vote for the pending amendment with a very great pleasure, because I feel that to fail to adopt it would be going counter to every tradition of the Republic. I hope it may be adopted, and I am sure if it is it will work no injury to the ideals which this country has held during all the period of its national life.

Mr. HARRISON. Mr. President, the Senator from Missouri [Mr. REED], who just concluded his very lengthy and forceful and eloquent speech, a speech filled with just as much force and eloquence as many others he has made in opposition to similar legislation in the past, said that this bill was born in a spirit of hysteria. I do not think that is exactly accurate. Congress has been trying for years to restrict immigration into this country. The Senator from Missouri will recall that one of the few times he has stood with a President in his views was touching this important question. When Mr. Taft was President, Congress, by a very large vote both in the House and in the Senate, passed a bill restricting immigration. It was



vetoed by the President. At that time the Senator from Missouri opposed the legislation. Only a very few votes were lacking to pass that bill over Taft's veto. Later, when Mr. Wilson was President, Congress passed similar legislation by a very large majority in both the House and the Senate. It went to the President, and he vetoed it. The Senator from Missouri was also with the President at that time. We passed that legislation over President Wilson's veto by a very substantial majority.

In all of that legislation I stood for the proposal to restrict immigration. I am for stronger restrictive provisions than are found embodied in the bill before us. I do not accept the views that the Senator from Missouri says those who are in favor of restricting immigration should take. In criticizing the senior Senator from Mississippi [Mr. WILLIAMS] he said that if the senior Senator from Mississippi would have a suspension of immigration into this country for 10 years he should have it throughout all time. There is no argument in the suggestion that if a man is in favor of a 10-year prohibition of immigration he should be in favor of such prohibition without limit.

That does not strike me as very forceful. We could pass some kind of legislation, probably, to extend it at the end of that time, or, if we wanted to repeal that law and modify it in the meanwhile, we could do it. I would not care if upon the statute books it should be written that undesirable immigration into the United States should be prohibited for all time. I would not limit it to 10 years only; I would go further than that. There is no Senator here who would go further than I would toward prohibiting undesirable immigration into this country. I shall not discuss the reasons; but in answer to the proposition that in a "shiver of hysteria," as the Senator from Missouri styled it, this bill was born, I want to say that it was brought out of the committee because of the fact that witness after witness appeared before the Immigration Committee and stated to us, after investigation in European countries, that there were as many as 15,000,000 people desirous to come to the United States, and that the only reason for their not coming was because of the lack of steamship facilities to bring them. Why, one witness, if not more, appeared before the committee and said that at Warsaw, I believe, and at Danzig, I believe also, there were thousands of men and women and children that stayed in line for as long as two weeks in order to have their passports viséed, that they might come to the United States, and that in many instances they had absolutely nothing; they were penniless. So it was in order to withstand and forestall that great influx of immigration into this country that we hastily brought out this bill as an emergency piece of legislation and asked the Congress to pass it quickly.

That was during the last session of Congress. I was very sorry, indeed, that it was vetoed, or that it was not signed—that it was killed by virtue of that—because in the discussion here at the last session there was hardly enough opposition to this legislation to get a roll call. At that time I tried to prohibit immigration altogether, and offered an amendment accordingly. The original bill carried with it 5 per cent of the aliens in this country of the various nationalities, and so forth, according to the census of 1910, might be admitted annually, and we reduced it to 3 per cent upon the floor of the Senate. I offered that amendment here, and it was adopted. I would have gone further; indeed, I offered an amendment to make it 1 per cent, but the sentiment of the Senate was that 3 per cent was a fair percentage to fix, and it was fixed by a very large majority.

At this extra session of Congress the House of Representatives brought out the bill, and we had hoped that it could be brought out in the same form that it passed before, because of the emergency character of the legislation. The Committee on Immigration does not state to the Senate that this is permanent legislation. It operates for 14 months only. The Committee on Immigration expects to go into the matter further, to investigate conditions fully, and to bring out a permanent piece of legislation.

But in order to get something upon the statute books quickly, in order to respond to the sentiment and the feeling in this country that too many immigrants of an undesirable character were coming here, and knowing what the newspaper reports were to the effect that by the millions they were ready and waiting and anxious to come, and that facts bear out those reports, we thought that the best way to pass this legislation was to draft it as it was drafted before and ask the Senate to accept it. We had hoped, as I say, that the House would follow that course. They did in practically every instance. They fixed the 3 per cent as the correct percentage to come. It is simply a compromise policy.

Mr. REED. Mr. President—

Mr. HARRISON. I yield.

Mr. REED. I thought perhaps the Senator would enlighten me on the question of whether they arrived at the 3 per cent because of its relation to the amount of alcohol now permitted.

Mr. HARRISON. No; that applies to Missouri alone.

Mr. REED. What does?

Mr. HARRISON. The 3 per cent of alcohol. The Senator knows that the 3 per cent of alcohol has nothing to do with the immigration question.

Mr. REED. I did not know but that it had.

Mr. HARRISON. We take this question as a very serious one, a question that the American people want the Congress of the United States to pass on at the very earliest moment, and the seriousness of it can not be minimized by the question of prohibition being injected into it.

Mr. REED. No; but, Mr. President, the Senator said that the 3 per cent was the rule only in Missouri. He is mistaken.

Mr. HARRISON. You may have a higher percentage of it there.

Mr. REED. We have a grade which would almost fit the appetite of the Senator.

Mr. HARRISON. It might fit mine, but it would not be high enough to fit that of the Senator from Missouri.

Mr. REED. Oh, I think so, if it fitted yours; but I asked the question seriously, and I am asking it seriously now, how they arrived at the 3 per cent? There must have been some reason.

Mr. HARRISON. Now, the Senator asks me a very reasonable question.

Mr. REED. Why, certainly.

Mr. HARRISON. But I do not see much similarity between that question and the one in regard to the 3 per cent of alcohol.

Mr. REED. Oh, I was not serious in that. I hope the Senator will not take it seriously.

Mr. HARRISON. I will not take it seriously, although I take seriously so much that the Senator says. I will get to that in a moment.

We had hoped that the House would pass the bill exactly as they had passed it last time, and as we had passed it last time, and as it was vetoed by the President; but they added to it certain exceptions. They went beyond that bill. They opened up the gates and they added three exceptions to that bill, so that no one can possibly figure how many immigrants would come in under it. For instance, exception in section 9 is not limited by the 3 per cent proposition at all, but would allow, in addition to the 3 per cent—

aliens entitled to readmission to the United States under the provisions of the joint resolution entitled, "Joint resolution authorizing the readmission to the United States of certain aliens who have been conscripted or have volunteered for service with the military forces of the United States or cobelligerent forces," approved October 19, 1918.

Our information is that there are no such persons over there, but if there are any remaining in European countries or out of the borders of the United States, they can still come in under the provisions of the Senate bill. They could still come in and be included within the 3 per cent limitation.

They also include another section which opens the gates, and this is a very dangerous proposition:

aliens who prove to the satisfaction of the proper immigration officer or of the Secretary of Labor that they are actually subjects of religious persecution in the country of their last permanent residence and are seeking admission to the United States solely to avoid the suffering and hardship involved in such persecution.

In other words, after these 353,000 immigrants under the 3 per cent basis are allowed to come in here, then, in addition to that, all those who seek our borders under the exception in section 10 may come. It may be 100,000; it may be a million. No one knows who would try to come in under the provisions of that exception; and if the amendment offered by the Senator from California [Mr. JOHNSON] should prevail, which adds to the religious persecution, political persecution, too, then there might come in here millions on millions of these persons without respect to the 3 per cent limitation.

Why, the immigration authorities can not figure, they can not give us any idea, how many people might seek the United States as immigrants under the religious persecution or the political persecution exception. So I submit that if the amendment of the Senator from California should be adopted, it would be worse than not passing any kind of legislation. For my part, if it should be adopted, I certainly would vote against the legislation, and would then move to recommit this measure.

Under the present law, provided they come up to the requirements of the law, provided they come up to the literacy test, if they are religiously or politically persecuted they can come in;

and under this law, with the 3 per cent limitation on it, those who are politically or religiously persecuted can come into the United States as immigrants. The only difference is that the Senator's amendment would allow those to come in perhaps by the million, irrespective of any limitation, and under the provisions of the Senate bill they would have to come in within the limitation of the 3 per cent basis. So I say that if they can meet the requirements of the law and they are religiously or politically persecuted, they can come in up to the number of 353,000 annually.

The Senator asks me the question, "Why was the basis of 3 per cent fixed?" I stated before that for my part I am in favor of absolute prohibition. The Senator is not. Many men base their conclusions upon what they believe to be substantial grounds. I have no fault to find with that. This idea was embodied in a bill that was suggested by the Senator from Vermont [Mr. DILLINGHAM], upon the theory that by fixing upon this basis of 3 per cent, according to the number of aliens of any nationality who may be admitted under the immigration laws into the United States in any fiscal year, we would in that instance, because the census would reveal it, obtain that class of immigrants that would come from western and northern European countries; in other words, that perhaps more would come of the desirable class under this proposition than if no limitation on a percentage basis was fixed, like this.

The Senator is well aware that in the last few years most of the immigrants have come from eastern Europe and southern Europe. In those countries over there the greatest desire upon the part of those people is to come here. They have not come in such numbers from the Scandinavian countries, from the Netherlands, and from western European countries; but under the basis of 3 per cent, as estimated, there can come annually from Belgium, for instance, 1,482; from the United Kingdom, 77,206; from Sweden, 19,956; from Germany, 75,040; from Denmark, 5,449; and so on. I will not read the whole list. Under the same plan there may come from Italy 40,294 and from Turkey in Asia 1,792. Under the old plan the facts reveal that far more than half of all the immigrants that came into this country came from those countries where we believed the most undesirable immigrants came from.

The figures as to the number who have come to the United States from 1908 to 1914 are as follows:

1908	1,782,870
1909	751,786
1910	1,041,570
1911	878,587
1912	838,172
1913	1,197,892

Nineteen hundred and fourteen, the normal year before the war, 1,218,000 came over.

But under the 3 per cent basis in this bill only 352,000 can come in. But if the amendments as adopted by the House, or the amendment offered by the Senator from California [Mr. JOHNSON] should be adopted, then, in addition to the 352,000 allowed under this bill, there might come into the United States millions of these people. The only limitation would be the steamship facilities for bringing them here.

So, Mr. President, I was in hopes that this legislation might be passed in the form in which it passed the Senate and passed the House before, and that it might go to the President, with the hope that it would receive his approval, and in the meanwhile we can work out a permanent proposition. But at this time this bill will greatly hold back the great flood of immigration that is threatening to come to this country.

Mr. REED. Before the Senator takes his seat, lest there should be any misake in the conclusion drawn from his figures as to immigration, allow me to call his attention to the fact that he has given the gross immigration to this country from all countries, and of all classes of people who come here, and has not deducted, I take it, those who returned?

Mr. HARRISON. No; I have not.

Mr. REED. The fact is, at least according to the table I have gotten from the Department of Labor, that in the 10 years from 1910 to 1920 the excess of immigration over emigration was 3,941,544. I thought the Senator would be entirely willing to have that statement go along with his.

Mr. HARRISON. I shall be glad to have the Senator include the table.

Mr. REED. I do not understand why 3 per cent has been fixed instead of 5, or 10, or 1. Was there any reason for that?

Mr. HARRISON. The committee, as I stated before, when the bill was introduced in the last Congress, fixed 5 per cent as the basis, and under that there would have come into this country 590,000.

Mr. REED. There might have come.

Mr. HARRISON. \*There might have come 590,000. The majority of the Senate thought that that number was too great, so they reduced it to 3 per cent.

Mr. REED. Now the Senator states that only 1,000 can come in from Belgium.

Mr. HARRISON. I stated that that was the estimate.

Mr. REED. About a thousand?

Mr. HARRISON. Yes.

Mr. REED. This is the total that can come in, and then if a half or a quarter of them go home, as they have been doing in previous years, the total number remaining would be very much smaller.

Mr. HARRISON. Mr. President, I think the number of immigrants under the 3 per cent basis from each country who may come into this country is based on the net number of immigrants from that country in a year, not on the number that comes in, without taking into consideration the number that goes out. Is that the view of the Senator from Rhode Island?

Mr. COLT. The number that will come in under this bill is estimated at 355,461. Estimating the number of emigrants who would go out at 124,411, it would leave net for the year, 231,050, it being established that ever since there was a record of the departures, 35 aliens have gone home for every 100 who have come to this country.

Mr. HARRISON. Now, with respect to the question the Senator from Missouri asked me, stating that the figures showed that between the years 1910 and 1920 the net number of immigrants into this country was around 3,000,000, I have not those figures; and I assume his figures are correct. But the Senator overlooked the fact that during the years 1915, 1916, 1917, 1918, and 1919 there was practically no emigration to this country, due to war conditions abroad. For instance, in 1915 only 326,700 came into this country. In the year 1914, the year before, 1,218,480 came over. Then, following down the years of the war, in 1916 there were only 298,826, in 1917 there were 295,403, and in 1918 there were 110,618 who came over. So that if you take the whole 10 years, including those 5 years when there was no immigration due to the war conditions, of course, the figures will appear very small. But in the last two years before the war the facts are that nearly a million and a half annually came over here, and, although I have not before me the figures, which I think the Senator from Rhode Island has, I think during the last nine months of last year some 600,000 came over. I think the facts were that there were some 600,000, in other words, showing that immigration was again starting to this country, and the only reason why more of them have not come is the lack of steamer facilities and steamship transportation to bring them over.

Mr. COLT. The immigration from the 30th of June, 1920, to the end of March, 1921, a period of nine months, was 558,948.

Mr. HARRISON. I thank the Senator.

Mr. COLT. The departures were 176,738, leaving a net for nine months of 382,210.

Mr. HARRISON. So, Mr. President, I hope the amendment offered by the Senator from California will be defeated, because it will practically destroy the limitations placed in the bill and the restriction of immigration at this time, when they are clamoring by the millions to come.

Mr. HEFLIN. Mr. President, on yesterday I urged upon the Senate the importance and necessity of restricting immigration. On account of the speech made by the Senator from Missouri on yesterday and to-day, I feel that I should reply to some of the arguments that he has made. The time has come for action upon the vital question of immigration.

Once to every man and nation comes the moment to decide,  
In the strife of truth with falsehood, for the good or evil side.

We are face to face with one of the greatest evils that has confronted us in a century. We have reached the point where alien power and influence dares to challenge that of the native stock in our country. We have reached the point where this power is employed politically to coerce Members in both branches of Congress to throw open the doors of immigration to all sorts of people from foreign countries.

We must meet this issue squarely. Senators, is that influence sufficient to dominate us to-day? Is it sufficient to make us shut our eyes to the interests of our own country, and play contemptible politics with those who threaten our political fortunes?

Do we love our own country and its free institutions better than we love temporary political power purchased by the betrayal of the American people?

Mr. President, I recall an interesting incident in Roman history. Regulus, a brave Roman soldier, was captured by the Carthaginians, and they told him if he would go back to Rome



and ask that the Roman Government cease the prosecution of the war they would make him free. He said nothing and they understood his silence to mean that he would comply with their request. They released him and permitted him to go back to Rome with the understanding that he would return and report to them. But Regulus instead of urging Rome to cease the prosecution of the war urged her to continue it. Having discharged his duty to his country he returned and gave himself up to the enemy in Carthage and told them to work their will on him. The social side of Regulus belonged to Rome, and speaking through that he urged that his country continue the war. His physical being belonged to Regulus the individual, and acting through that he returned, as he promised he would do, to Carthage. We need some of the courage of Regulus here to-day. This issue must be carried to the precincts of America. The able Senator from Missouri [Mr. REED] has spoken four hours and a half in all, challenging the position of the American people upon this great question. We accept the challenge. The Senator suggests that it is a dangerous thing politically to say anything now in favor of Germans. How amusing! There are thousands and tens of thousands of German voters in Missouri and it is quite difficult for me to understand just wherein it is dangerous for the Senator from Missouri to say anything favorable to Germans. All praise to the loyal American of German blood. They are honored members of the American household. Some of the boys of that blood followed our flag on the far-flung battle lines of France.

These boys and the other brave boys in our Army rendered signal service in preventing the overthrow of our Government by a foreign foe. What are we going to do to protect and preserve our Government from the dangers that threaten through the invasion of dangerous immigrant aliens? I want an immigration law which will close the doors for a time until we can get our bearings, until we can figure out very carefully a plan for immigration in the future.

Mr. President, these are no ordinary times. We have just passed through a World War which cost in money more than half the wealth of the world. It destroyed more than 10,000,000 of human lives. It created an army of lame and halt soldiers 30,000,000 strong. It has left the Old World in a state of unrest and distraction. People are wanting to move away from their distressing surroundings. Vast numbers of these foreigners are planning to come to America. The immigration agents and steamship companies are lending encouragement to them.

I want to repeat the question that I propounded to Senators on yesterday: Is citizenship in this country to become a matter of barter for the benefit of immigration agents and steamship companies? Have we come to that, Senators? God pity us if we have. While some seem to be deeply concerned about the votes of aliens in their districts and States and seem willing to make America the dumping ground for the undesirables of other countries, I call upon the native stock to wake up to the dangers that threaten us.

The provision which came from the House regarding religious persecution sounds good and at first glance appears innocent and harmless, but at this time it is full of danger. It furnishes a loophole through which hundreds of thousands of undeserving and undesirable people will come. What is necessary to be done under that provision? The foreigner desiring to come here will say, "I want to go to America." Then the agent of the steamship company will say, "Go make an affidavit that you are being religiously persecuted." They would run over each other in the rush to make the necessary affidavits and through this very provision would flood our country with all kinds of foreigners.

I do not want the safety of my country to depend upon the whims and conscience of all kinds of foreigners who may desire to come here. From what I have seen of some who have come in the recent past I do not believe that their consciences would stand in the way of making any kind of an affidavit. The able and distinguished Senator from California [Mr. JOHNSON] has offered an amendment which if adopted defeats outright the purposes of the bill. His amendment, I believe, would be more dangerous than the so-called religious persecution provision which came over from the House. He would permit those to come who suffer political persecution. Put in exemptions for those claiming to be religiously and politically persecuted and you have opened the way for all who desire to come. It will be really worse than before. Those who do not desire to come in under religious persecution will have no compunctions of conscience at all about saying, "I am politically persecuted."

The Senate bill, I repeat, is better than the House bill. It would reduce the number of foreigners allowed to come into our country in any one year from about a million in 1910 to about 300,000. Again I say I would like to close the immigra-

tion doors hard and fast for at least one year, but those who feel as does the Senator from Missouri think that it is an awful thing to shut our immigration doors for one year. Too long to keep the foreigner out of participation in American affairs!

My boy is not 21 years old yet, but he has to live here 21 years before he can exercise the rights and privileges of an American citizen, before he can participate in elections as a voter. It would be better for the American boy if we should keep a certain class of foreigners out altogether.

Immigration societies are very active in many localities of the United States. Their desires are expressed here and in the other branch of Congress. You can recognize them in the speeches you hear against restricted immigration.

As the able and distinguished Senator from New York [Mr. CALDER] proceeded, reminding us how brave the aliens in his locality were during the war, I thought of what happened in his city of New York while the war was on. The head of German propagandists in the United States, the editor of the Fatherland, George Sylvester Vierick, openly and boldly advocated the passage of a law by Congress to exempt all boys of German and Austrian blood from service in our Army. A measure was solemnly introduced in the other branch of Congress which had in it the idea advocated by the editor of the Fatherland. These people were to remain at home enjoying the blessings and benefits of this Government.

Mr. POMERENE. Mr. President—

Mr. HEFLIN. I yield to the Senator from Ohio.

Mr. POMERENE. And while that would have been happening, if the law had been passed while our boys were at the front fighting, those same aliens would have had the jobs that our native boys had had.

Mr. HEFLIN. Yes; they would have remained at home not only far removed from the battle field but they would have been making money through high wages and in other ways while our boys were fighting and dying for liberty and civilization.

Again I say, all honor to those alien boys who faithfully followed our flag. I have nothing but the kindest word and feeling for them. God bless every one of them. They are not aliens. They were born on American soil. They grew up in the wholesome atmosphere of American liberty. They learned to love our flag in their early youth time. Their parents were born abroad and became good citizens here, but in the true sense of the term those boys were not aliens. They were natives to the soil. I dare say, Mr. President, that there was not one of the other class born abroad who went voluntarily with our boys to the World War.

In spite of all that has been said here in favor of placing the alien educationally and otherwise above the native stock, I am still on the side of America. The Senator from Missouri talks about how much better educated these aliens are than our boys and girls. I wonder if somebody somewhere has in mind the idea that it would be the part of wisdom to take the Government and turn it over to certain American aliens.

The Senator from Missouri tells us that they are better educated. We are not complaining about their lack of education, Mr. President. God knows, some of them are too well educated along certain lines. Some of them can make a murderous bomb before you can walk to the White House and back again. They are skilled in the art of making implements of destruction.

They planted one of them right here at this end of the Capitol during the World War. Have Senators forgotten that?

They set fire to a desk in the Dome of the Capitol that they thought had valuable papers in it. Have Senators forgotten that?

They tried to blow up the house of the Attorney General of the United States—sought to murder a Cabinet officer right here in the Capitol of the Nation. Have Senators forgotten that?

We have been listening to eulogies pronounced upon those who have recently come into our country, and we have heard speeches that contrasted their virtues with those of the native Americans.

Mr. President, the time has come to talk plainly about and to act quickly upon this question that so vitally affects the life of the Nation. We must answer the question, Whom do you serve, the American people or the mammon of the steamship companies and the emigration agencies backed by certain political and religious organizations that profit by this wholesale delivery of foreigners into the United States?

They had a society here in America called the German-American Alliance, and it was said that the Kaiser had boasted that through it he could decide the issue as to who would be President of the United States. Think of that, Senators. No

loyal American has any criticism to make of the loyal American of German blood. In many respects the German people are a great people. I regret that they turned the spirit of their genius and enterprise into making implements of destruction rather than into the things that would promote and produce human happiness.

We bear no ill will against the splendid people who have come here from foreign countries, people who are loyal to our flag. We draw the line between all loyal Americans and all those here from whatever country who are disloyal. They are the people that I am talking about, and against the dangers that come with such I am striving to protect my country in the future.

Choose you this day whom you will serve, the god of good government in the United States or the mammon of immigration agents and steamship companies. Are you on the side of the brave boys who with their guns and battle blades kept out of America an invading army and saved the liberty of the world, or are you going to vote to place a loophole or joker in this bill which will permit an alien army with bombs and dangerous propaganda to come into our country working injury to the institutions that our boys protected and defended with their blood and lives? Why, Mr. President, one of this dangerous class preached sedition and treason while our boys were fighting and dying in France.

He sought to paralyze the arm of the Government when its liberties were imperiled and its life was at stake. He was convicted and sentenced to prison for his crime against the country. Scores more of the same class were arrested and imprisoned at that time. It is our duty to provide immigration laws that will keep such people out of our country. We have discovered thousands of such undesirables in certain sections of our country, occupying space and cumbering the ground.

They are out of place on the civic soil of America. They are tares in the wheat. When the husbandman spoken of in the Bible discovered that there were tares in his wheat, he said, "An enemy hath done this." Shall we permit any more of these dangerous foreign tares to be imported into our country and planted in the wheat fields of whole-hearted American citizenship? If so, it can be truly said of him who does it, "An enemy hath done this."

There are a great many bolsheviks and red anarchists here now in the city of New York, Chicago, Milwaukee, Pittsburgh, Philadelphia, and some other places in the country. They are tares in our wheat. We now know the grave dangers that threaten by the presence of these people. What are we going to do to keep such as they out in the future? Shall it be said of us that we were enemies when we were charged with the responsibility of guarding the gates and keeping undeserving and undesirable people out of our country? Are we going to be the ones accused of being the enemy who "hath done this"? Not by my vote, Mr. President.

The Senator from Missouri tells us that in those places in the United States where the foreign population is the largest there you will find the least opposition to immigration. I can well understand that; I have already said that the votes of these people are used to elect to Congress people who favor throwing the doors open to all classes and conditions of foreigners.

That is the principal interest that many of them have in the election, and they organize and whisper into the ear of the candidate, "Now, if you will vote in favor of keeping the doors to America open, so that we can continue to bring in foreigners in unlimited numbers, we will give you every vote in our organization." And the candidate frequently agrees to vote as they desire him to vote. This insidious influence puts the candidate to sleep upon that subject, and you hear nothing about this all-important matter from him during the campaign. That is why there is less talked-of opposition where this unassimilated foreign vote is located. The danger is in that insidious influence—

Whose silent courtship wins securer joys,  
Taints by degrees and runs without noise.

Then when the question comes up in Congress and the former candidate is face to face with the issue he commences to expatiate upon the number of immigrants who have been orators, musicians, painters, philosophers, and so on.

I repeat, there is no issue between us regarding that class or the thousands in the common walks of life who have come here and who have shown themselves worthy to be citizens of our great country. I have never said a word against one of that class; I do not say a word against any foreign-born American citizen who loves and supports the flag. I am talking about and against that dangerous and despised element that hates my Government and secretly or openly seeks to overthrow the free institutions of America.

Some Senators do not seem to realize just how serious this question is. Unless those of us who are here now charged with the responsibility of "holding the line" against an influx of undesirable foreigners are faithful, the day will come when this foreign population will outnumber the natives in the United States.

The conditions that obtain to-day in the Old World justify us in being very careful as to who shall come from foreign countries into the United States. We can not afford to throw our doors open to every wild fanatic and diseased criminal who desires to come to America. Mr. President, all of the immigration laws passed heretofore by Congress have either been misinterpreted by those who administered them or it was found after Congress had adjourned that there was an innocent-looking provision through which undesirable foreigners could come. There are always shrewd men to fight restricted immigration when this question comes up in Congress. We have had yesterday and to-day four and a half hours of argument by the Senator from Missouri in opposition to this meritorious measure.

The Senator from Missouri, among other things, asked: "What has foreign immigration done for this country?" Well, Mr. President, it has done a great deal that is good in times past, and in recent years it has done a great deal that is exceedingly harmful.

Because our ancestors were immigrants who loved American institutions, and after coming here helped to make the Nation the glorious thing she is, that is no reason why we should now permit the coming in of those who despise our institutions and desire their destruction. This is our Government; ours to support and sustain; ours to love and cherish; ours to defend against an undesirable and dangerous alien army seeking to bring here a propaganda destructive of American institutions. On which side are we, Senators?

The Senator from Missouri asks, "What has immigration done for us?" In many localities it has sinned against American institutions very grievously. In New York City one night during the World War I had been speaking in the interest of the Liberty loan. I have told of this incident once before, but it illustrates the point, and I will tell it again. We had a fine meeting and sold about a million and a quarter dollars worth of bonds. On the way back to the railroad station I saw one of those fellows, referred to by the Senator from Missouri, who came to America as an immigrant. He was on a soap box haranguing about 150 fellows, who seemed to be in thorough sympathy with him. It was at 12 o'clock at night. We stopped and listened a minute. He was speaking in a foreign language, and I asked, "What is he saying?" The interpreter replied, "He is urging the overthrow of our institutions; he is saying, 'Down with America; defy her courts and refuse to go to war.' That is the substance of what that alien orator was saying. I inquired, 'Do they permit that here?' He said, 'Oh, yes; there are a dozen meetings like that here in the city to-night.' I thought of that situation as the able Senator from New York [Mr. CALDER] proceeded with his speech. 'Immigration, how beautiful art thou in the city of New York.' [Laughter in the galleries.]

The VICE PRESIDENT rapped with his gavel.

Mr. HEFLIN. Milwaukee, New York, Chicago, Philadelphia, Pittsburgh—how many disloyal people are dwelling within your confines? I am reminded of a story about one of these miserable beings who wanted to be naturalized. He was coached and told what to say, but when asked, "Are you in favor of overthrowing the Government?" he replied, "No; I am in favor of blowing it up." [Laughter in the galleries.]

The VICE PRESIDENT. The rules require silence in the galleries.

Mr. HEFLIN. We have a very acute situation here, Mr. President. When the Senator from Missouri asked, "What has immigration done for us?" I thought of the old fellow who had rheumatism. He had been suffering with it a great deal and somebody had told him to apply honeybees. So they filled his trouser legs full of bees, and they told him that the poison of their stings would counteract the other poison. They were to have a great meeting in the community in a day or two at which old Parson Jones, who had preached there 25 years before, was to officiate, and they told old Uncle Johnny, "You must come to the meeting." He replied, "I am all crippled up; I can not go; I have rheumatism and am suffering like Job." They said to him, "You must come; Parson Jones was always exceedingly fond of you." Whereupon old Uncle Johnny said, "If you will let me sit back near the door, I will go." He went with his crutches and took a seat near the door. After a while Brother Jones said, "Brethren, what have the fates done for you?" A merchant got up and said, "The fates have been good to me. Business has been good." Then Brother Jones



said to the doctor, "What have the fates done for you?" The doctor replied, "There has been a lot of sickness, and my patients have paid me well. The fates have been good to me." He asked the preacher what the fates had done for him. "Well," the preacher replied, "I have large congregations; people constantly joining the church, and they pay the preacher well, so the fates have been good to me." Then, down the aisle, he saw old Uncle Johnny, but did not recognize him as he sat all humped up and suffering every minute, and he said, "Stand up there, you old crippled fellow, and tell us what the fates have done for you." Old Uncle Johnny stood up and replied, in a whining tone of voice, "The fates have dern nigh ruined me." [Laughter.]

Mr. President, a certain kind of immigration has greatly injured many of our American communities. I have two or three in mind that it has almost ruined. Do not Senators know that all that these hostile foreigners who have come here need to make them a greater menace and danger is power. If they had the power, they would overthrow our institutions. In some localities they outnumber the loyal Americans now. This is a dangerous situation. Senators, I am reminding you of an ugly situation right here in our own country, but it is here and we must deal with it. If you adopt the religious and political persecution amendments offered to this bill, all the other restrictive provisions are rendered ineffective. To pass the bill in that form and say you have met the requirements would be like plastering a paper over a large crack in the wall of a building and then say that the wall had been mended and the building made strong.

This Government has got to do something that it has not done before. Why? Because all that it has ever done in legislation on this subject has failed to keep undesirable people out. I want something done now that will keep them out; I want a law passed that has got teeth in it. While some who stand here plead for what they term the highly educated boy of alien parents, and contrast him to his advantage with the native American boy, I champion the cause of the native boy, who has a right to grow up in this land of liberty free from the poison of bolshevik doctrine, free from the poison of anarchy, to grow up in the atmosphere of the greatest and finest Government in all the world. The man of foreign birth who really loves American institutions will find no fault with us for trying to keep out of our country the undesirable and dangerous foreigners. Senators, the people of the United States are going to watch this matter of immigration more closely than ever. They realize more than ever the necessity for doing so. We must decide once and for all whether America shall be safeguarded and protected against undeserving and undesirable foreigners or whether she is to become the dumping ground for the scum and refuse of the Old World.

Are we under any obligations to permit that kind of people to come here? If not, what are we going to do about it to-day?

It is one thing during a political campaign to tell the people that we are going to protect our shores against an influx of unfit foreigners, and it is quite another thing with some when they have the opportunity to secure legislation in keeping with pre-election promises. Some of them support provisions that will permit all kinds of foreigners to continue to come here.

The Senator from Mississippi [Mr. HARRISON] reminded us that before the war with Germany there were coming into this country a million of foreigners annually. Think of it! Ten years, 10,000,000. And I would remind you, Senators, that there was no such inducement to come here in 1910 as now. Peace reigned over there then. Germany in up-to-date industrial development was perhaps without a parallel amongst the nations. France was happy and prosperous. Russia, Italy, and the other countries were all doing fairly well, and yet a million a year came into this country then, and with them came anarchists, bomb throwers, black handers, and kidnapers, who are disturbing our peace in many localities.

Mr. President, you can go to any community to-day where the spirit of anarchy and disloyalty is rampant and you will find that the leaders are not native Americans, but foreign born.

I want this country in the future to exercise the greatest precaution in permitting anyone from foreign countries to come here. Are we not justified in doing that? This is our own great American household; and are we not entitled to say who shall come and be one of us in that household? Why, some people talk as though they thought we did not have that right. They talk as though this right belonged to the steamship companies and the immigration agents and certain societies in the United States, as though it were not a matter for the great body of the American people to consider and control. Is citizenship here so cheap that anybody can buy passage upon a

ship and come into the United States with a bunch of immigration agents?

On yesterday I referred to an article in the Saturday Evening Post. I want to read just here the language used by Mr. Kenneth L. Roberts on this immigration question. He said:

Every foreign Government understands that never in the history of the world was there such a movement of peoples as there is to America to-day. All the Governments understand that we have every right to go into the case of every immigrant with extreme thoroughness, because it is becoming a matter of life and death for our people.

Yes, Mr. President; the life of our civilization, our ideals, and institutions are all at stake. It is criminal in us to permit people to come here who encourage defiance to constituted authority in the United States. Thousands of them do not become citizens at all. They get employment that loyal Americans should have and they send back to their own country about \$70,000,000 annually.

Mr. President, in conclusion I want to touch upon the question of education for a moment. We do not complain that these people are not educated. Some of them are the best educated people you can find, but they are educated in the wrong way. They are grounded in a doctrine that is not helpful to America, but exceedingly harmful. Can they read and write? Yes; and they can speak many languages, some of them. Oh, yes; they are educated but full of fanaticism of various kinds, and they advocate things that are dangerous to the free institutions of America. So it is not education alone that must decide the question as to who shall come into our country in the future. Thousands who are not educated at all have made better citizens than those that I am speaking against to-day.

The Senator from Missouri [Mr. REED] talks about our increase in population and our growing wealth. Well, the South increased her population after the war up to this time at a greater percentage per decade than any other section of the country, and we did not have any foreign immigration. I believe that we have increased industrially as much as any other section per decade, and we have not had this balm of Gilead in the form of foreign immigration that the Senator speaks so earnestly and eloquently about to-day.

A great deal has been said about how industrious, how thrifty, and how well educated some American immigrants are. Mr. President, I believe, above all else, in the manhood and womanhood of my country. I believe that the brain power and resourcefulness of the American citizen is greater than that to be found in any other land beneath the sun. Here the welfare of the citizen is the high aim of the Government, and here the Government seeks to do that which will bring about the greatest good to the greatest number, and in the name of a hundred million loyal Americans I invoke that doctrine to-day.

The Senator from Missouri said, "It is the game people who come here." Well, Mr. President, the fellow who took that deadly bomb to Attorney General Palmer's home for the purpose of murdering him was a game man. It took a game man to handle that dangerous bomb. He took his own life in his hands and died in the attempt to kill a Cabinet officer right here in the Nation's Capital. Oh, yes; he was one of the game ones.

Guiteau, the foreigner, was game when he walked into the railroad station here in the Capital and killed the noble-hearted Garfield. Czolgosz, another one of them, was game when he murdered the beloved McKinley. The other foreigner in New York who burned the American flag before an audience there some time ago was game. But they were all game in such a way as to make them a danger and menace to America.

But the Senator from Missouri says, "It is the game people who come over here," and in another place in his speech he said that those who come over here are better than those they leave behind. Then God pity and have mercy on those left behind. Thousands of those who come here are the very scum of the earth. Many of them are escaped convicts. Many of them have been pardoned by their king with the understanding that they will come to America, and if those who remain at home are worse than these I repeat, God pity them.

The time has come for us to decide just what we are going to do upon this very vital question. The God of us all has told us that a man can not serve two masters. No man can serve two masters. The man coming here is either going to love America or he is going to hate her. If he hates America, he is an enemy to the country. If he is here and an enemy to the country, he ought either to be driven out of it or executed in it. It is our duty to keep the dangerous kind out, and that is what we are seeking to do to-day.

Here is the Republican Party, with a tremendous majority in the Senate, and you Republicans are in control of the House,

with an unwieldy majority. The President is of your political faith. You have it in your power to do the thing this day that will protect us against criminal agitators and red anarchists who are planning to come in large numbers to the United States; you have it in your power to build a wall against bolshevism, which is seeking to aid a world movement by spreading its poison here; you have it in your power to keep out of our country the criminal hordes of Europe. Let us Democrats and Republicans alike respond to the call of duty to-day and vote to protect our own American household and safeguard the free institutions of our country.

Mr. JOHNSON. Mr. President, inasmuch as the pending amendment is my amendment and inasmuch as it has doubtless brought upon the Senate a plethora of debate, I will occupy just a moment, if you please, in trying to bring back to the Senate, because we have gone far afield, just what is endeavored to be presented by the amendment.

The amendment apparently is very, very strange to many of my colleagues. If the baneful results suggested by the Senator from Mississippi [Mr. WILLIAMS], the Senator from Alabama [Mr. HEFLIN], and others who have spoken, might flow from this amendment, then, of course, the amendment ought to be defeated. If this amendment will bring the flood of immigration that has been suggested, if it will drive, through this bill, the wedge that has been here adverted to, I grant you that the amendment ought to be defeated, and had I thought that it would do any of those things I can assure you I never would have offered it at all.

I offered the amendment because we have not by this bill departed from our immigration policy of the past. By this bill we do not seek to build a wall around the United States, nor do we endeavor by this bill to prevent immigration entirely, for an indefinite or for a temporary period. By this bill, admittedly, very many immigrants will be permitted to come in, and the only difference between our immigration policy under this bill and the immigration policy which we have followed in the past is a mere matter of degree. I repeat, if this amendment would have the effect that has been suggested it ought to be defeated.

But follow with me just a moment to see whether that is the fact. I want to say, as I said last night, that had we had an immigration bill such as the Senator from Mississippi and myself voted for in the committee, the original Johnson bill, which came from the House, I would not have attempted at all to present this amendment and preserve what is a very dear and perhaps a sentimental policy to me. But inasmuch as we did not do that thing and inasmuch as we are here with our old immigration policy, I ask that we continue the policy that has been ours in respect to those persecuted religiously and politically in other climes.

Our friends on the other side say that millions will come in under this amendment if we adopt it. I answer, Mr. President, that that is not at all the fact. It is not the fact, as is demonstrated by the statistics presented here by the Senator from Rhode Island [Mr. COIT], and those statistics are very astonishing, indeed, when, if you will recall them, they show the number who remained in the country in the past year or two is very, very small; and so in the years before, his statistics demonstrate, there have not been many who remained at all, and his statistics for the present indicate, too, that there will be no such influx as that which has been suggested. So, first of all, the statistics answer the apprehensions which have been expressed.

Next, there is a requirement in this amendment that those who come here stating that they are seeking a refuge from religious or political persecution must establish the fact, and I am not going to presume that those who are in charge of the administration of the law will do otherwise than administer that law fairly, honestly, and justly. So they will cull those who seek disingenuously to come under this amendment from those who do come actually within its purview.

First, therefore, the statistics answer you when you say that there will be a horde of people coming under this amendment. Next, the amendment itself answers you, in requiring proof. And, lastly, the experience of all of us in the past, the story of the Nation, answers you, and answers you completely, fully, and unequivocally.

This is no new thing which this amendment suggests. It may be sentimental in part, but it is just, too. There has never been a time in the history of the Republic when those who sought refuge upon our shores from religious or political persecution were not welcomed, and I can not find it in my heart to fear the man who, to worship God as he sees fit, leaves all that is dear to him and comes to another shore. I can not find it in my heart to fear the man who will leave his native soil to

go to another, into a strange world, in order that he may preserve the political opinions that are his.

Have we forgotten the history of the Nation? Have we forgotten those who first knelt upon Plymouth Rock and thanked God that finally they had reached a land where they could worship God as they pleased? It is only a stone's throw to where Baltimore and his people came to worship God as they pleased. It is only a few years ago that we saw the exodus of 1848, and saw brought into this country some of the best blood that ever came to it. It is only a brief period ago that we saw the United States stand and refuse a foreign nation to deliver a political refugee. It is only a short time since that we saw a few people come into this country, and meetings held throughout every city in the land, asking that they be protected because they were political refugees.

To-day I would protect them just as we have protected them in the past. To-day and to-morrow, if another William, with another Prussia, should send from his territory those of political opinions differing from his, I would permit them to land on our shores.

To-morrow and the next day if there were again that religious intolerance we have found too often in the history of the world, which sent over here those like the Huguenots, who fled to escape persecution, like those who came with Baltimore, and those who landed in Massachusetts in the days gone by, I would permit them a refuge upon this shore. I would preserve, as you preserve, sir, by this bill, the policy that has ever been the policy of the Republic.

Of course, Mr. President, I would not permit the anarchist and the red and the man who preached the overthrow of our Government by force or violence to land. None of them will be permitted under this amendment or under this bill. But, as a matter of sentiment, as a matter of justice, I would preserve that which was so eloquently expressed a half century ago by the great orator from Massachusetts, I would preserve that beacon light of liberty that shines for all the world, not for the purpose of permitting those to come to our shores who would destroy our Government or who would menace our institutions but to permit those to come who have been denied the right to worship God as they see fit and those who because of honest political beliefs have been driven by tyranny from their homes.

Mr. ASHURST. Mr. President, I offer the following amendment.

The PRESIDING OFFICER (Mr. CURTIS in the chair). The amendment is not in order, the Chair will state to the Senator from Arizona. It is an amendment in the third degree.

Mr. REED. Mr. President, there have been so many hours—

Mr. ASHURST. Mr. President, just a moment.

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Arizona?

Mr. REED. I yield.

Mr. ASHURST. The Senator from Arizona was not aware that this was an amendment to an amendment, thinking that it was only an amendment to the bill. Therefore I will withdraw the amendment until the proper time.

Mr. LODGE. The whole bill is an amendment, it being a substitute for the bill as passed by the House.

Mr. ASHURST. I am very much in sympathy with the amendment proposed by the Senator from California [Mr. JOHNSON]. I think such an amendment is wise and humane at this time, but I believe we should restrict immigration to those who can speak the English language. I believe that those who claim they are persecuted because of their religious or political views ought to be required to prove that they can read the Constitution of the United States in the English language, and my amendment, which I may not have an opportunity to offer at this time, simply provides that this class of refugees seeking asylum here, as the Senator's amendment provides, shall be admitted when they prove that they are subjected to political or religious persecution, provided they can read the Constitution of the United States in the English language. That is the tenor of my amendment.

Mr. WATSON of Georgia. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Georgia?

Mr. ASHURST. The Senator from Missouri has not the floor. He has spoken twice on the same legislative day, and I have the floor.

The PRESIDING OFFICER. The Chair must remind the Senator from Arizona that the Chair recognized the Senator from Missouri and he asks the Senator from Missouri if he will yield to the Senator from Georgia.

Mr. ASHURST. Mr. President, it is a little bit trying on the nerves of some of us when Senators seek to fill the cir-



cumambient atmosphere for hours with words, words, words, and when another Senator simply rises to offer an amendment, that effort meets with disapprobation, and he is told that he should sit down when he is seeking to take only a minute of the time of the Senate. Some of us are getting a little tired of it.

The PRESIDING OFFICER. If the Senator from Arizona makes the point of order that the Senator from Missouri has addressed the Senate twice upon the pending bill the Chair will sustain the point of order.

Mr. ASHURST. I now yield to the Senator from Missouri.

The PRESIDING OFFICER. No; does the Senator from Arizona make the point of order?

Mr. ASHURST. I do, if it is the only way I can get the floor.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. REED. I had the floor and yielded it to the Senator as a matter of courtesy, to say whatever he wanted to say, and I am now very much obliged to him for his courtesy to me.

Mr. WATSON of Georgia. Mr. President—

Mr. ASHURST. It is entirely in keeping with my tyrannical friend that he should think he had the floor. Having had it for three or four hours it was but natural he should assume that he ought to have it for the rest of the afternoon.

I now yield to the Senator from Georgia. [Laughter on the floor and in the galleries.]

The PRESIDING OFFICER. The Senate will be in order. The occupants of the galleries will be in order. Occupants of the galleries have no right to make any demonstration of any kind when a Senator is speaking or when any business is being transacted. The Chair admonishes the occupants of the galleries to observe this rule.

The Senator from Arizona yields to the Senator from Georgia.

Mr. WATSON of Georgia. Mr. President, the question I desire to ask the Senator from Arizona is this: If he restricts, as he proposes to do, the amendment offered by the Senator from California, would he not have excluded from the State of Georgia the Salzburger who came from Austria speaking nothing but the German language, and the Huguenots who came to the Carolinas speaking nothing but French?

Mr. ASHURST. The amendment, if it had been introduced some two or three hundred years ago, would have done that. We are not legislating for 250 years ago but we are legislating for to-day. That is the trouble with many Senators. They are legislating for the past instead of for the present and the future.

I now yield the floor to the Senator from Missouri.

Mr. REED. Mr. President—

The PRESIDING OFFICER. The question is upon the amendment to the amendment offered by the Senator from California.

Mr. REED. Mr. President—

The PRESIDING OFFICER. Will the Senator yield for just a moment? If any Senator wishes to address the Chair he has the right to do so. No Senator has a right to yield the floor to another Senator.

Mr. REED. I am not yielding the floor; I am taking it, and I ask to be permitted to make the statement that I have spoken once and only once. I was addressing myself to this question last night and discontinued my remarks when a recess was taken in order that I might continue them this morning. So I have not been out of order, and the Chair was in error as to the fact.

The PRESIDING OFFICER. If the Senator will permit the Chair, he will state that during the day after the Senator had concluded he spoke again from the center aisle in the hearing of the present occupant of the chair.

Mr. REED. I just asked a question and that was all. Now, Mr. President, I do not wish to occupy the floor, and I would not stand here now and insist upon my right except for the very strange attitude of my friend from Arizona.

Mr. ASHURST rose.

Mr. REED. Just a moment. I had been recognized by the Chair, and the Senator from Arizona rose and asked me to yield to him. I did it without a moment of hesitation and with all the courtesy I was capable of. I did not seek to take him off his feet. I allowed him to go on and make his speech, and why he should get excited with me when I was trying to extend to him every courtesy is utterly incomprehensible to me.

Mr. ASHURST. Mr. President, I simply wish to remind my friend that he is a considerable part of the Senate, but not all of it. All men of great intellect are tyrannical. Lord Melbourne was that way; so was Lord Macaulay. All men whom I have ever known that were great intellects go along in the sublime assurance that no one else knows anything. I have no quarrel with the Senator from Missouri and my manner indicated nothing more than a determination to insist on my rights.

I am an humble Member of the Senate, but I have certain rights, and I know them, and I am going to insist upon them. I thought it was not entirely fair for the learned Senator to occupy three or four hours and then when I had obtained the floor have him yield to me after I had obtained the floor.

It is a small point, but the time has come in the Senate when some of us are going to be heard a minute or two after other Senators have occupied the floor for hours. There is no angry spirit to it. There is no man in the United States for whom I have a greater admiration than for the Senator from Missouri. In behalf of those principles of justice and of government in which he believes, he has gone through the country like a fiery meteor, a great leader, and posterity, if it is just, will be bound to give him a great place. But great as he is, superb as are his intelligence and his intellect and his courage, in the Senate, where all men are equal, he is no stronger than the weakest man here.

Mr. REED. Mr. President, I hope we will not degenerate into the play of children. I repeat that I had the floor. The Senator from Arizona asked to be permitted to introduce his amendment—

Mr. ASHURST. I had not done anything.

The PRESIDING OFFICER. The Chair must insist that if the Senator from Arizona desires to interrupt the Senator from Missouri he must address the Chair.

Mr. ASHURST. Very well, I address the Chair. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield?

Mr. REED. No; not at present.

The PRESIDING OFFICER. The Senator from Missouri declines to yield.

Mr. REED. Mr. President, this is getting a little unseemly. I yielded to the Senator from Arizona, having been recognized. I thought I was doing everything courteous, and still think I was. I was willing to yield the floor entirely; I sat down. I see no occasion for the Senator's remarks. He has made them and adheres to them, and it is all right; it makes no difference to me.

I had only risen to make this one observation. We have had a great deal of talk about admitting red anarchists and opening the floodgates, permitting every kind of people to come here, as though anybody had talked about anything of that kind. It never has been proposed. In the law as it stands to-day there is the following language:

The following classes of aliens shall be excluded from admission to the United States.

There is a large class given, and I call attention to just a few, such as paupers, professional beggars, persons convicted of felonies. We were told that they were emptying their penitentiaries. Then—

anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States or of all forms of law, or who disbelieve in or are opposed to organized government, or who advocate the assassination of public officials, or who advocate or teach the unlawful destruction of property; persons who are members of or affiliated with any organization entertaining and teaching disbelief in or opposition to organized government, or who advocate or teach the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, or who advocate or teach the unlawful destruction of property.

So, Mr. President, most of the talk we have had is quite beside the question. No one is going to talk about admitting anarchists and if we were, we ought not to admit 3 per cent of anarchists or any proportion of anarchists that they would bear to the 3 per cent. That is all I have to say. I will be very glad to yield the floor now to my friend from Arizona or anyone else.

The PRESIDING OFFICER. The question is on the amendment of the Senator from California [Mr. JOHNSON] to the amendment in the nature of a substitute reported by the committee.

SEVERAL SENATORS. Let it be read.

The PRESIDING OFFICER. The amendment to the amendment will be read.

The ASSISTANT SECRETARY. On page 9, at the end of line 23, after the words "adjacent islands," insert:

(8) Aliens who prove to the satisfaction of the proper immigration officer or of the Secretary of Labor that they are actually subjects of religious or political persecution in the country of their last permanent residence, and are seeking admission to the United States solely to avoid the suffering and hardship involved in such persecutions.

Mr. JOHNSON. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. BROUSSARD (when his name was called). I have a pair with the senior Senator from New Hampshire [Mr. MOSES]. I understand that if he were present he would vote as I am about to vote. I vote "nay."

Mr. COLT (when his name was called). I have a pair with the junior Senator from Florida [Mr. TRAMMELL]. I understand that if present he would vote the same way I do. I vote "nay."

Mr. EDGE (when his name was called). I have a general pair with the senior Senator from Oklahoma [Mr. OWEN] which I transfer to the junior Senator from Kentucky [Mr. ERNST] and vote "nay."

Mr. FLETCHER (when his name was called). I have a general pair with the Senator from Delaware [Mr. BALL], which I transfer to the Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. UNDERWOOD (when Mr. GERRY's name was called). The Senator from Rhode Island [Mr. GERRY] asked me to announce that he is detained from the Senate this afternoon on account of an important engagement; that he is paired with the Senator from Vermont [Mr. PAGE]; and that if present the Senator from Rhode Island would vote in favor of the pending amendment, and the Senator from Vermont would vote against it.

Mr. DIAL (when the name of Mr. SMITH was called). I desire to announce that my colleague, the senior Senator from South Carolina [Mr. SMITH], is detained on official business. He is paired with the Senator from South Dakota [Mr. STERLING]. I ask that this announcement stand for the day.

Mr. STERLING (when his name was called). I have a general pair with the Senator from South Carolina [Mr. SMITH]. I transfer that pair to the Senator from New Hampshire [Mr. KEYES], and will vote. I vote "nay."

Mr. FLETCHER (when Mr. TRAMMELL's name was called). I desire to announce that my colleague [Mr. TRAMMELL] is unavoidably absent on official business.

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the Senator from Florida [Mr. TRAMMELL] and vote "nay."

The roll call was concluded.

Mr. SIMMONS (after having voted in the negative). I desire to inquire whether the junior Senator from Minnesota [Mr. KELLOGG] has voted?

The PRESIDING OFFICER. He has not.

Mr. SIMMONS. I am not advised how that Senator would vote if he were present.

Mr. NELSON. I think if my colleague were here he would vote against the pending amendment.

Mr. SIMMONS. I will assume that the junior Senator from Minnesota, if present, would vote as I have voted, and I will, therefore, let my vote stand.

The PRESIDING OFFICER (Mr. CURTIS in the chair). The Chair desires to announce that the Senator from Connecticut [Mr. McLEAN] is paired with the Senator from Montana [Mr. MYERS].

He also wishes to announce that the junior Senator from New Hampshire [Mr. KEYES], the Senator from Delaware [Mr. BALL], and the senior Senator from New Hampshire [Mr. MOSES] are absent on official business.

He further desires to state that the Senator from Kentucky [Mr. ERNST] is absent by reason of illness in his family, and that the junior Senator from Minnesota [Mr. KELLOGG] is absent on account of illness.

Mr. HARRISON. I desire to announce that the Senator from Rhode Island [Mr. GERRY] is absent on official business.

The result was announced—yeas 15, nays 61, as follows:

## YEAS—15.

Ashurst	Johnson	La Follette	Walsh, Mass.
Bursum	Kendrick	Norris	Walsh, Mont.
Calder	Kenyon	Pittman	Watson, Ga.
Cummins	Ladd	Reed	

## NAYS—61.

Brandegge	Hale	Nelson	Stanfield
Broussard	Harrel	New	Stanley
Cameron	Harris	Nicholson	Storling
Capper	Harrison	Oddie	Sutherland
Caraway	Heflin	Overman	Swanson
Colt	Hitchcock	Phipps	Townsend
Curtis	Jones, N. Mex.	Poinexter	Underwood
Dial	Jones, Wash.	Pomerene	Wadsworth
Dillingham	King	Ransdell	Warren
Edge	Lenroot	Robinson	Watson, Ind.
Elkins	Lodge	Sheppard	Williams
Fernald	McCormick	Shields	Willis
Fletcher	McCumber	Shortridge	Wolcott
Frelinghuysen	McKellar	Simmons	
Glass	McKinley	Smoot	
Gooding	McNary	Spencer	

## NOT VOTING—20.

Ball	Gerry	Moses	Page
Borah	Kellogg	Myers	Penrose
Culbertson	Keyes	Newberry	Smith
Ernst	Knox	Norbeck	Trammell
France	McLean	Owen	Weller

So Mr. JOHNSON's amendment to the amendment of the committee was rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment as reported by the committee.

Mr. KENYON. Mr. President, when the amendment of the Senator from Washington [Mr. JONES] was defeated on yesterday I had thought to submit another amendment along the same lines providing that of the aliens coming to this country as permitted under the pending bill 50 per cent, at least, should come in vessels flying the American flag. I have, however, talked with some Senators about the matter, and especially with the chairman of the Committee on Immigration, who is very anxious that the bill shall speedily pass. I realize there is no use in offering the amendment which I intended to propose, and that it would not be adopted but would merely be productive of fervid and prolonged oratory, of which we have, perhaps, had enough for one day. I am going to ask, however, to have the amendment which I had thought of presenting printed in the RECORD as a part of my remarks, for I think the time will come when we shall adopt some such policy to assist the merchant marine of the United States. I shall not, however, formally offer the amendment.

The PRESIDING OFFICER. Without objection, the amendment referred to by the Senator from Iowa will be printed in the RECORD.

Mr. KENYON's proposed amendment was to insert as a new section the following:

SEC. 4. Of those aliens permitted to enter the United States under the terms of this act at least 50 per cent shall be brought in vessels flying the flag of the United States. The Secretary of Labor shall promulgate the necessary rules and regulations for carrying this section into effect.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is on concurring in the amendment.

The amendment, which had been reported from the Committee on Immigration as a substitute for the bill, was concurred in, as follows:

Strike out all after the enacting clause and insert:

"That as used in this act—

"The term 'United States' means the United States and any waters, territory, or other place subject to the jurisdiction thereof, except the Isthmian Canal Zone and the Philippine Islands; but if any alien, or any alien seaman, leaves the Canal Zone or any insular possession of the United States and attempts to enter any other place under the jurisdiction of the United States nothing contained in this act shall be construed as permitting him to enter under any other conditions than those applicable to all aliens, or to all alien seamen, respectively.

"The word 'alien' includes any person not a native-born or naturalized citizen of the United States, but this definition shall not be held to include Indians of the United States not taxed nor citizens of the islands under the jurisdiction of the United States.

"The term 'immigration act' means the act of February 5, 1917, entitled 'An act to regulate the immigration of aliens to, and the residence of aliens in, the United States'; and the term 'immigration laws' includes such act and all laws, conventions, and treaties of the United States relating to the immigration, exclusion, or expulsion of aliens.

"SEC. 2. (a) That the number of aliens of any nationality who may be admitted under the immigration laws to the United States in any fiscal year shall be limited to 3 per cent of the number of foreign-born persons of such nationality resident in the United States as determined by the United States census of 1910. This permission shall not apply to the following, and they shall not be counted in reckoning any of the percentage limits provided in this act: (1) Government officials, their families, attendants, servants, and employees; (2) aliens in continuous transit through the United States; (3) aliens who have been lawfully admitted to the United States and who shall later go in transit from one part of the United States to another through foreign contiguous territory; (4) aliens visiting the United States as tourists or temporarily for business or pleasure; (5) aliens from countries immigration from which is now regulated in accordance with treaties or agreements; (6) aliens coming from the so-called Asiatic barred zone, as described in section 3 of the immigration act; or (7) aliens who have resided continuously for at least one year in the Dominion of Canada, Newfoundland, the Republic of Cuba, the Republic of Mexico, countries of Central or South America, or adjacent islands.

"(b) For the purposes of this act nationality shall be determined by country of birth, but the term 'country' shall not be held to include colonies or dependencies, which colonies or dependencies shall be considered as separate countries.

"(c) The Secretary of State, the Secretary of Commerce, and the Secretary of Labor, jointly, shall, as soon as feasible after the passage of this act, prepare a statement showing the number of persons of the various nationalities resident in the United States as determined by the United States census of 1910, which statement shall be the population basis for the purposes of this act, but whenever such population basis is not applicable by reason of changes in political boundaries in foreign countries occurring subsequent to 1910 and resulting in the creation of new countries, the Governments of which are recognized by the United States, or otherwise in the transference of territory from



one country to another, such transference being officially recognized by the United States, then the said officials, jointly, shall estimate the number of persons resident in the United States in 1910, who were born within the area now included in such new and other countries, and in the case of such countries such estimate shall be the population basis for the purposes of this act.

"(d) When the maximum number of aliens of any nationality who may be admitted in any fiscal year under this act shall have been admitted all other aliens of such nationality, except as otherwise provided in this act, who may apply for admission during the same fiscal year shall be excluded: *Provided*, That the number of aliens of any nationality who may be admitted in any month shall not exceed 20 per cent of the total number of aliens of such nationality who are admissible in that fiscal year: *Provided further*, That aliens returning from a temporary visit abroad, aliens who are professional actors, artists, lecturers, singers, nurses, ministers of any religious denomination, professors for colleges or seminaries, aliens belonging to any recognized learned profession, or aliens employed as domestic servants may be admitted notwithstanding the maximum number of aliens of the same nationality admissible in the same month or fiscal year, as the case may be, shall have entered the United States; but aliens of the classes included in this proviso who enter the United States before such maximum number shall have entered shall be counted in reckoning the percentage limits provided in this act: *Provided further*, That in the enforcement of this act preference shall be given so far as possible to the wives and minor children of aliens who are now in the United States and have applied for citizenship in the manner provided by law.

"Sec. 3. That the Commissioner General of Immigration, with the approval of the Secretary of Labor, shall, as soon as feasible after the passage of this act and from time to time thereafter, prescribe rules and regulations necessary to carry the provisions of this act into effect. He shall, as soon as feasible after the passage of this act, publish a statement showing the number of aliens of the various nationalities who may be admitted to the United States between the date when this act becomes effective and the end of the current fiscal year, and on June 30 thereafter he shall publish a statement showing the number of aliens of the various nationalities who may be admitted during the ensuing fiscal year. He shall also publish monthly statements during the time this act remains in force showing the number of aliens of each nationality already admitted during the then current fiscal year and the number who may be admitted under the provisions of this act during the remainder of such year, but when 75 per cent of the maximum number of any nationality admissible during the fiscal year shall have been admitted such statements shall be issued weekly thereafter. All statements shall be made available for general publication and shall be mailed to all transportation companies bringing aliens to the United States who shall request the same and shall file with the Department of Labor the address to which such statements shall be sent. The Secretary of Labor shall also submit such statements to the Secretary of State, who shall transmit the information contained therein to the proper diplomatic and consular officials of the United States, which officials shall make the same available to persons intending to emigrate to the United States and to others who may apply.

"Sec. 4. The provisions of this act are in addition to, and not in substitution for, the provisions of the immigration laws.

"Sec. 5. That this act shall take effect and be enforced 15 days after its passage, except sections 1 and 3 and subdivision (c) of section 2, which shall take effect immediately upon the passage of this act, and shall continue in force until June 30, 1922, and the number of aliens of any nationality who may be admitted during the remaining period of the current fiscal year from the date when the act becomes effective to June 30, shall be limited in proportion to the number admissible during the fiscal year 1922."

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. REED. I ask for the yeas and nays on the passage of the bill.

Mr. HEFLIN. Let us have the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. BROUSSARD (when his name was called). I am paired with the senior Senator from New Hampshire [Mr. MOSES]. I am informed that if he were present he would vote as I intend to vote on the passage of the bill. I therefore feel at liberty to vote, and vote "yea."

Mr. COLT (when his name was called). I have a pair with the junior Senator from Florida [Mr. TRAMMELL]. I am informed that if present he would vote as I intend to vote. I am therefore at liberty to vote, and vote "yea."

Mr. EDGE (when his name was called). Making the same announcement as to my pair and its transfer as on the preceding vote, I vote "yea."

Mr. FLETCHER (when his name was called). Making the same announcement as before as to my pair with the Senator from Delaware [Mr. BALL], I am informed that if the Senator from Delaware were present he would vote "yea." As I intend to vote in the affirmative, I feel at liberty to vote, and vote "yea."

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. KELLOGG], who is unavoidably absent from the Chamber. I am advised that if he were present he would vote upon this bill as I intend to vote. I am therefore at liberty to vote, and vote "yea."

Mr. STERLING (when his name was called). I am informed that my pair, the Senator from South Carolina [Mr. SMITH], if present, would vote the same as I intend to vote

upon the passage of the bill. Therefore I am at liberty to vote, and vote "yea."

Mr. FLETCHER (when Mr. TRAMMELL's name was called). As heretofore announced, my colleague [Mr. TRAMMELL] is unavoidably absent on official business. He has a pair with the Senator from Rhode Island [Mr. COLT]. If present, my colleague would vote "yea," and as the Senator from Rhode Island has also voted in the affirmative the Senator from Rhode Island is released from the pair.

The roll call was concluded.

Mr. SHEPPARD. I wish to announce that my colleague, the senior Senator from Texas [Mr. CULBERSON], is unavoidably detained from the Senate. If present he would vote "yea."

Mr. CURTIS. I desire to announce that the Senator from Maryland [Mr. WELLER], the senior Senator from New Hampshire [Mr. MOSES], the Senator from Kentucky [Mr. ERNST], the Senator from Pennsylvania [Mr. KNOX], the Senator from Vermont [Mr. PAGE], the junior Senator from New Hampshire [Mr. KEYES], and the Senator from Delaware [Mr. BALL] would vote for the bill if present, and the Senator from Maryland [Mr. FRANCE] would vote against the bill. They are necessarily absent.

I also wish to announce that the Senator from Connecticut [Mr. MCLEAN] is paired with the Senator from Montana [Mr. MYERS]. If present and at liberty to vote, the Senator from Connecticut would vote "yea."

The result was announced—yeas 78; nays 1; as follows:

#### YEAS—78.

Ashurst	Gooding	McKinley	Smoot
Brandagee	Hale	McNary	Spencer
Broussard	Harrell	Nelson	Stanfield
Bursum	Harris	New	Stanley
Calder	Harrison	Nicholson	Sterling
Cameron	Heflin	Norbeck	Sutherland
Capper	Hitchcock	Norris	Swanson
Caraway	Johnson	Oddie	Townsend
Colt	Jones, N. Mex.	Overman	Underwood
Cummins	Jones, Wash.	Penrose	Wadsworth
Curtis	Kendrick	Phipps	Walsh, Mass.
Dial	Kenyon	Pittman	Walsh, Mont.
Dillingham	King	Poindexter	Warren
Edge	Ladd	Pomerene	Watson, Ga.
Elkins	La Follette	Ransdell	Watson, Ind.
Fernald	Lenroot	Robinson	Williams
Fletcher	Lodge	Sheppard	Willis
Frelinghuysen	McCormick	Shields	Wolcott
Gerry	McCumber	Shortridge	
Glass	McKellar	Simmons	

#### NAYS—1.

Reed

#### NOT VOTING—17.

Ball	Kellogg	Myers	Trammell
Borah	Keyes	Newberry	Weller
Culbertson	Knox	Owen	
Ernst	McLean	Page	
France	Moses	Smith	

So the bill was passed.

Mr. COLT. Mr. President, I move that the Senate request a conference with the House of Representatives upon the bill and amendment, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. COLT, Mr. DILLINGHAM, and Mr. KING conferees on the part of the Senate.

#### MESSAGE FROM THE HOUSE—ENROLLED JOINT RESOLUTION AND BILL SIGNED.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the Speaker of the House had signed the following enrolled joint resolution and bill, and they were thereupon signed by the Vice President:

S. J. Res. 20. Joint resolution making the sum of \$150,000 appropriated for the construction of a diversion dam on the Crow Indian Reservation, Mont., immediately available; and

H. R. 3152. A bill granting the consent of Congress to the Ironton & Russell Bridge Co. to construct a bridge across the Ohio River at or near the city of Ironton, Ohio, and between the county of Lawrence, Ohio, and the county of Greenup, Ky.

#### EMERGENCY TARIFF.

Mr. PENROSE. Mr. President, I had hoped to take up the so-called emergency tariff bill to-day; and I assume that it is technically before the Senate, although temporarily laid aside. It is obvious that it would be unreasonable to expect to go on with the measure at this late hour, and I am further informed that the Senator from Massachusetts [Mr. LODGE] desires to move an executive session. I shall therefore ask to have consideration of the bill withheld until to-morrow.

## EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 1 hour and 15 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 48 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, May 4, 1921, at 12 o'clock meridian.

## NOMINATIONS.

*Executive nominations received by the Senate May 3 (legislative day of May 2), 1921.*

## DIRECTOR OF THE CENSUS.

William M. Steuart, of Michigan, to be Director of the Census, Department of Commerce, vice Samuel L. Rogers, resigned.

## UNITED STATES ATTORNEY.

John L. Slattery, of Montana, to be United States attorney, district of Montana, vice George F. Shelton, appointed by the court.

## REGISTER OF THE LAND OFFICE.

John Kelsey Jones, of Harrison, Ark., to be register of the land office at Harrison, Ark., vice John L. Clendenin, term expired.

## RECEIVER OF PUBLIC MONEYS.

Willis W. Moore, of Jasper, Ark., to be receiver of public moneys at Harrison, Ark., vice Walter L. Snapp, term expired.

## PROMOTIONS IN THE NAVY.

## MARINE CORPS.

*Captain from June 4, 1920.*

Arthur H. Turner.

*First lieutenant from June 4, 1920.*

Kenneth O. Cuttle.

*Second lieutenants from June 4, 1920.*

Marvin V. Yandle.

Warren Sessions.

Leo Healey.

## CONFIRMATION.

*Executive nominations confirmed by the Senate May 3 (legislative day of April 2), 1921.*

## TREASURY DEPARTMENT.

*Assistant Secretary of the Treasury.*

Edward Clifford.

## BUREAU OF INTERNAL REVENUE.

*Collector of internal revenue for the first district of New Jersey.*

Edward L. Sturgess.

*Collector of internal revenue for the fifth district of New Jersey.*

Frank C. Ferguson.

## PUBLIC HEALTH SERVICE.

## Surgeons.

Paul Preble.

Randolph M. Grimm.

Joseph R. Ridlon.

Charles M. Fauntleroy.

Hermon E. Hasseltine.

James P. Leake.

Lawrence Kolb.

David C. Turnipseed.

Carlisle P. Knight.

Warren F. Draper.

George Parcher.

Louis Schwartz.

Robert H. Heterick.

Charles L. Williams.

Grover A. Kempf.

Louis R. Thompson.

## Passed assistant surgeons.

Clifford R. Eskey.

William D. Heaton.

Robert R. Ivey.

John D. Reichard.

James F. Worley.

Edwin O. Woods.

Walter T. Harrison.

Charles Armstrong.

Rolla E. Dyer.

Justin K. Fuller.

Robert W. Hart.

## Assistant surgeons.

Ralph D. Lille.

Thomas S. Love.

George B. Young.

Lynn A. Fullerton.

Marion R. King.

Lester C. Scully.

Floyd C. Turner.

Fortunat A. Troie.

## DEPARTMENT OF JUSTICE.

*Assistant Attorney General.*

Robert H. Lovett.

*United States district judge for the northern district of West Virginia.*

William Eli Baker.

## DEPARTMENT OF THE INTERIOR.

*Register of the land office at Douglas, Wyo.*

Birney J. Erwin.

*Receiver of public moneys at Douglas, Wyo.*

Wilkie Collins.

## DEPARTMENT OF COMMERCE.

*Assistant Secretary of Commerce.*

Claudius H. Huston.

## COAST AND GEODETIC SURVEY.

## Aids.

Ralph Woglom Woodworth.

Frederick Estill Joekel.

## COAST GUARD.

## Ensign.

Norman Ryder Stiles.

## DEPARTMENT OF LABOR.

*Solicitor for the Department of Labor.*

Theodore G. Risley.

*Director of Women's Bureau.*

Mary Anderson.

## INTERSTATE COMMERCE COMMISSION.

*Members Interstate Commerce Commission.*

E. I. Lewis.

J. B. Campbell.

## HOUSE OF REPRESENTATIVES.

*TUESDAY, May 3, 1921.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Heavenly Father, Thon art among us as a shepherd, full of tenderness and solicitude. We would not bring unto Thee our virtues for Thy survey, but our vices for Thy forgiveness. Enable us in the way of right thinking, and help us to cut the habits that bind us to our lower selves. Touch all hearts that hurt, and sweeten all cups that are bitter, and fill our lives with goodness and happiness. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

## LEAVE OF ABSENCE.

Mr. GARNER. Mr. Speaker, I ask unanimous consent that Mr. LYON may have his leave of absence extended five days, on account of continued sickness in his family.

The SPEAKER. Without objection, the leave will be granted. There was no objection.

Mr. HICKS. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

## THE LAW GOVERNING TAXATION.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I desire to ask unanimous consent to proceed for 10 minutes, to make a statement with respect to the law governing taxation, which was referred to and discussed on Wednesday of last week in connection with the bill for the incorporation of the Chinese corporations.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to address the House for 10 minutes on the subject indicated.

Mr. GARNER. Mr. Speaker, I did not hear what the gentleman had to say as to the reason for making his remarks at this time.

Mr. GRAHAM of Pennsylvania. Only that they would be lost and disconnected if not made at this time.

A statement was made by myself with respect to the law governing taxation. It was criticized by distinguished gentlemen on the floor. I would like to add a few words, and then put in the RECORD the authorities that I have for my statement, as a matter of guidance in the future, perhaps.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.



Mr. GRAHAM of Pennsylvania. Mr. Speaker, in the debate on last Wednesday with reference to the creation of certain corporations to do business exclusively in China, a statement was made by myself to the effect that a citizen of any State holding stock in such a corporation would be obliged to report that stock, and could be taxed by the State upon it as part of his personal property, and that it did not require any provision to be placed in the bill to give the State that right; that the State already had the right, inherently, as one of its sovereign powers.

The gentleman from Texas [Mr. HARDY] questioned the accuracy of the statement in some slight degree, and the gentleman from Virginia [Mr. MOORE] said that the question was analogous to that of taxing stock in a national bank, and that a State had no right to tax such stock.

I merely wish to add a few remarks and sustain them by authorities which show conclusively, in my judgment, that the position taken by me was absolutely true and correct; in other words, that we ought not to display to the world a fearfulness of making mistakes by insisting upon inserting clauses reserving rights, when those rights were concededly existing and not assailed. This would only disclose ignorance of the law that governed the situation. As well might you insert a clause saying the bill was subject to the Constitution and laws of the land as to insert in the bill then under consideration a clause asserting the right of the State to tax stock in such a corporation in the hands of its citizens. I quote a decision on this subject as follows:

A corporation chartered by the General Government or subsidized by it is not exempt from State taxation, unless it is employed as an agency or instrumentality for the exercise of the constitutional powers of the United States. (37 Cyc., p. 882, par. 5, and the authorities referred to in the footnote 66 support this proposition.)

If it is (an agency or instrumentality for the exercise of constitutional powers of the United States), the States can lay no taxes upon it which would hinder, obstruct, or interfere with its efficient discharge of its duty to the Government or the Government's use of it, but, subject to this restriction, its real and personal property is subject to State taxation like that of any other corporation. (37 Cyc., pp. 82 and 83, and the authorities named in the footnotes 67 and 68.)

Properties of every kind over which the sovereign power of the State extends are objects of taxation outside of the means and instruments of the Federal Government—

That is the only exception—

(Hamilton Mfg. Co. v. Mass., 6 Wall., 632, cited with approval in a large number of cases grouped together on p. 5492 of vol. 5 of the Digest U. S. Supreme Court Reports.)

The General Government and the States are sovereign in their respective spheres, and neither can tax the means or instrumentalities employed by the other in the exercise of its constitutional powers. (Buckingham v. Day, 11 Wall., 113.)

These quotations are supported by innumerable authorities, and one can find them by reference to Thirty-seventh Cyclopaedia, page 882, paragraph 5, and trace them out. Now, these authorities that I have quoted I ask you to remember, gentlemen, apply only to the restrictions upon the power to tax the corporation itself. They have no relation whatsoever to the question of taxing a citizen holding stock in one of these corporations. They are limitations upon the power of the States to tax a Federal corporation only with respect to the property of that corporation, and then only when such United States corporation is used as an agent or instrumentality for executing some Federal governmental purpose.

Mr. WINGO. Mr. Speaker, will the gentleman yield for a question there?

Mr. GRAHAM of Pennsylvania. Please not until I finish this.

It goes so far in this respect that in Regan against Mercantile Trust Co., in One hundred and fifty-fourth United States, it was decided that a railway company organized under the laws of the United States is, as to business done in the State, subject to control by the State in matters of taxation. There is an instance illustrating the power of a State to tax an instrumentality of the Government. The State is only limited in its power to tax that corporation in so far as it must not hinder or obstruct it in performing any governmental function like carrying the mails, and so forth. Only in so far as it hinders, obstructs, or destroys the useful purpose that the Government has in view in creating or permitting the Federal corporation is the State limited. All of those powers relate to the right of taxation directly on the property of corporations.

A valid distinction must be recognized by every lawyer between a tax on corporate property and a tax on stock of a foreign corporation held by an individual citizen or a State. Of course, every lawyer knows that the words "foreign corporation" refer to the corporations of other States, and a corporation created under the laws of the United States is a foreign corporation as to the particular State, and they do not relate alone to foreign countries. The statement made by the gentleman from Virginia [Mr. MOORE] is not applicable, in which he said "that the power to tax carried with it the power

to destroy." That maxim can relate only to the property of the corporation, and not to the taxing of stock in the hands of an individual belonging to that corporation, and it is only of value when applied to those corporations, created under a national charter, to be agents and instruments for executing governmental purposes. For instance, the franchise of a corporation created by the United States can not be taxed. Of course, to do that would strike at the very existence of the corporation.

A patent right issued by the Government of the United States can not be taxed by a State.

The money of a corporation invested in a patent right can not be taxed by a State. But mark you how closely the line is drawn in order to preserve the imperial power of the State to impose its taxes, when it is provided, as innumerable decisions decide, that all other capital of the corporation not actually invested in the patent right is liable to taxation by the State.

It is not correct, as stated by the distinguished gentleman from Virginia [Mr. MOORE], that the Supreme Court has held that "without express provision to that effect a State would have no right to tax the stock of a national bank." Referring to the statute creating national banks and providing for their existence, which was passed at a time when State banks were in existence, there is a limitation found in that law that no State can tax except upon an equality and without discrimination. The same kind of tax that it imposes upon "moneyed capital" in corporations of the State is the only kind of tax that it can impose upon the stock of a national corporation. I quote Boyer against Boyer, One hundred and thirteenth United States, page 689:

The right of the State to tax being conceded, it required a congressional enactment to limit the right. It needed nothing to assert or reserve it.

Capital invested in national bank shares was intended by Congress to be placed upon the same footing of substantial equity in respect of taxation by State authority as the State establishes for other moneyed capital.

The decisions of the Supreme Court placing any restriction or limitation upon the taxation of shares in national banks are based upon express limitations contained in the national banking law, inserted there by Congress to meet the very situation contended for that without such limitation the shares of stock held by an individual citizen in a national bank would be subject to taxation by the State.

I quote from Citizens Savings and Loan Association against Topeka, Twentieth Wallace, 655:

This case also decides the taxing power of the State is one of its attributes of sovereignty. It exists independently of the Constitution of the United States and may be exercised to an unlimited extent, except so far as it has been surrendered to the Federal Government.

The power of taxation is the strongest and most prevailing power of the Government, and when lawfully exercised it is unlimited even to the extent of destroying.

I also quote Kirtland against Hotchkiss, One hundredth United States, 491:

So long as a State by its laws prescribing the mode and subject of taxation does not trench upon the legitimate authority of the Union or violate any right recognized or secured by the Constitution of the United States, the United States Supreme Court, as between the State and the citizen, can afford him no relief against State taxation, however unjust, oppressive, or onerous.

The SPEAKER. The time of the gentleman has expired.

Mr. GRAHAM of Pennsylvania. May I proceed for just two minutes more?

The SPEAKER. The gentleman asks unanimous consent that his time be extended two minutes. Is there objection?

There was no objection.

Mr. GRAHAM of Pennsylvania. In Union Pacific Railroad Co. against Peniston, Eighteenth Wallace, 5—and this principle is announced and sustained in a multitude of authorities cited in the fifth volume of the Digest of Supreme Court Reports at page 5496, section 161—it is held that—

The property of the Union Pacific Railroad, although the corporation was created by Congress and the company is an agent of the General Government, designed to be employed and actually employed in the legitimate service of the Government, both military and postal, is not exempt from State taxation.

In Home Insurance Co. against New York, One hundred and thirty-fourth United States, 594, and other cases, it was held that—

Capital of National and State banks invested in United States securities can not be subjected to State taxation, but shares of bank stock may be taxed in the hands of their individual owners at their actual or par value, without regard to the fact that a part or the whole of the capital of the corporation may be so invested.

I also quote Provident Institution for Savings against Massachusetts, Sixth Wallace, 611, which is sustained by a number of other authorities:

Shares in national banks are subject to State taxation in the hands of the stockholders although the whole amount of the capital stock is invested in the public securities declared by act of Congress to be exempt from taxation.

Here it was held that not only is the stock in the hands of its citizens taxable, but also it is taxable even though the whole capital of the corporation is invested in nontaxable securities.

The State has a right to tax the property of its citizens of every kind. Stock in foreign corporations is property of the citizen, therefore subject to taxation. It needs no declaration or legislation for the exercise of this right. It exists and must be recognized. Limitations in legitimate cases alone have to be affirmatively enacted.

In Thirty-seventh Cyclopaedia, page 864, paragraph G, it is said that—

Each State has the right and power to tax its own resident citizens on shares of stock in foreign corporations owned and held by them, the stock having its situs at the place of the owner's domicile, and this right is not affected by the fact that the stockholder may have been taxed upon the same stock in another State. This rule also applies even where the rule in regard to domestic corporations is that the corporation shall be taxed on its capital stock or property and that this shall relieve the stockholders from taxation on their shares and regardless of whether the foreign corporation pays taxes on its capital or property in the foreign State or not.

These quotations establish one thing, that stock in a corporation created by or under the laws of the United States in the hands of a citizen of any State, like any of the rest of his property, is subject to taxation, and it requires no clause in the act itself to preserve that right for the benefit of the State. [Applause.]

The SPEAKER. The time of the gentleman has again expired.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House of Representatives was requested:

S. 86. An act to amend the act approved December 23, 1913, known as the Federal reserve act;

S. 674. An act to provide for the equitable distribution of captured war devices and trophies to the States and Territories of the United States and to the District of Columbia;

S. 1018. An act to amend an act entitled "An act to give indemnity for damages caused by American forces abroad," approved April 18, 1918;

S. 1019. An act authorizing the Secretary of War to furnish free transportation and subsistence from Europe to the United States for certain destitute discharged soldiers and their wives and children;

S. 1020. An act for the relief of dependents of Lieuts. Jean Jagou and Fernand Herbert, French military mission to the United States;

S. J. Res. 13. Joint resolution authorizing the sale of food-stuffs in the possession of the War Department to any foreign State or Government;

S. J. Res. 38. Joint resolution admitting Emil S. Fischer to the rights and privileges of a citizen of the United States; and

S. 395. An act providing for an additional judge for the district of Arizona.

The message also announced that the Vice President had appointed Mr. MOSES and Mr. FLETCHER members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Treasury Department.

The message also announced that the Senate had passed the following:

In pursuance of section 6 of the Post Office appropriation act for 1921, approved April 24, 1920, the Vice President had appointed Hon. KENNETH MCKELLAR as a member of the Joint Commission on Postal Methods and Facilities to fill the vacancy caused by the expiration of the term of Hon. Charles B. Henderson, a former Senator from the State of Nevada.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 3152. An act granting the consent of Congress to the Ironton & Russell Bridge Co. to construct a bridge across the Ohio River at or near the city of Ironton, Ohio, and between the county of Lawrence, Ohio, and the county of Greenup, Ky.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the joint resolution (S. J. Res. 30) to authorize the President of the United States to appoint an additional member of the Joint Committee on Reorganization.

#### ENROLLED BILLS SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 3152. An act granting the consent of Congress to the Ironton & Russell Bridge Co. to construct a bridge across the

Ohio River at or near the city of Ironton, Ohio, and between the county of Lawrence, Ohio, and the county of Greenup, Ky.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. J. Res. 20. Making the sum of \$150,000 appropriated for the construction of a diversion dam on the Crow Indian Reservation, Mont., immediately available.

#### SENATE BILLS AND JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolution were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 86. An act to amend the act approved December 23, 1913, known as the Federal reserve act; to the Committee on Banking and Currency.

S. 674. An act to provide for the equitable distribution of captured war devices and trophies to the States and Territories of the United States and to the District of Columbia; to the Committee on Military Affairs.

S. 395. An act providing for an additional judge for the district of Arizona; to the Committee on the Judiciary.

S. 1019. An act authorizing the Secretary of War to furnish free transportation and subsistence from Europe to the United States for certain destitute discharged soldiers and their wives and children; to the Committee on Military Affairs.

S. J. Res. 13. Joint resolution authorizing the sale of food-stuffs in the possession of the War Department to any foreign State or Government; to the Committee on Military Affairs.

#### LECTURE ON NAVAL AVIATION.

Mr. HICKS. Mr. Speaker, I ask unanimous consent to address the House for two minutes in order to extend an invitation.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. HICKS. Mr. Speaker, to-morrow night, at 8 o'clock, in the caucus room of the House Office Building, there is to be a lecture on naval aviation, delivered by Commander Whitting, one of the experts on aviation in the department. There will be moving pictures and also still pictures, showing the development of aviation. It will be an extremely interesting lecture, and the Members of Congress, their families and friends, are cordially invited to attend. [Applause.]

#### ST. LAWRENCE RIVER.

Mr. MOORES of Indiana. Mr. Speaker, I ask unanimous consent to insert in the RECORD a copy of a concurrent resolution of the General Assembly of the State of Indiana, advocating the making of such improvements in the St. Lawrence River as will make the Great Lakes accessible to ocean-going navigation.

The SPEAKER. The gentleman from Indiana asks unanimous consent to print in the RECORD the resolutions adopted by the State of Indiana relative to deepening the St. Lawrence River. Is there objection?

Mr. MCCLINTIC. Reserving the right to object, other resolutions of a similar nature have been presented and I believe have been objected to. For the present I object.

The SPEAKER. Objection is made.

#### EMIL S. FISCHER.

Mr. SIEGEL. Mr. Speaker, I ask to take from the Speaker's table Senate joint resolution 38 and that the same be immediately considered, a similar House resolution having been reported.

The SPEAKER. The gentleman calls up from the Speaker's table Senate joint resolution 38, a similar House resolution having been reported from the House Committee on Immigration and Naturalization before the Senate resolution was messaged over. The Clerk will report the resolution.

Senate joint resolution 38, admitting Emil S. Fischer to the rights and privileges of a citizen of the United States, was read, as follows:

Whereas Emil S. Fischer, born in Austria in 1865, emigrated from Brazil and arrived in the United States at the port of New York and established a permanent residence in the city of New York in 1892; and

Whereas said Emil S. Fischer, being then a resident of the city of New York, did on the 4th day of November, 1903, apply to the United States District Court for the Southern District of New York and receive his first citizenship papers; and

Whereas said Emil S. Fischer, while maintaining continuously his said residence in New York City, has sojourned in China, representing American banking and commercial interests, fostering American trade expansion, among other things acting as adviser and foreign secretary to the Chinese Government commission at the San Francisco Exposition and for the Chinese alien property custodian during the late war; and



Whereas the absence of said Emil S. Fischer has prevented his completing his citizenship, although he has rendered invaluable service to the United States Government, and in order that he attain citizenship and continue his work in China: Therefore be it  
*Resolved, etc.*, That Emil S. Fischer be, and he is hereby, admitted to all of the rights and privileges of a citizen of the United States.

Mr. WINGO. Reserving a point of order, Mr. Speaker, I wish to make a parliamentary inquiry. Does the Speaker hold that a bill of this character is a privileged bill, simply because there is a House bill identical with it on the calendar? It is a private bill naturalizing a citizen by a special act of Congress.

The SPEAKER. The Chair thinks it is privileged.

Mr. CRISP. Mr. Speaker, I think if the Chair will look at the rule he will see that it relates to bills on the House or Union Calendar.

Mr. STAFFORD. Oh, Mr. Speaker, the rule provides not only for public bills but for private bills.

The SPEAKER. It has been held that the rule providing for the consideration of bills on the Speaker's table applies to private as well as public bills.

Mr. WINGO. So there is no limitation.

The SPEAKER. The Chair thinks not.

Mr. GARNER. I would like to ask the gentleman if the House bill reported by the Committee on Immigration was a unanimous report.

Mr. SIEGEL. It was a unanimous report, both in this and in the last Congress.

Mr. RAKER. This report was made before the minority Members were appointed and before any were ready to act. We are not going to object to this.

Mr. STAFFORD. Mr. Speaker, I make the point of order that the gentleman from New York has not been authorized by the committee to call up this bill at this time.

The SPEAKER. The Chair does not know, but the Chair took it for granted that the gentleman had been authorized.

Mr. SIEGEL. I have been authorized by the committee to take this bill up at any time. We have reported it twice, and it has passed the Senate twice.

Mr. JOHNSON of Washington. If the gentleman will pardon me, I might say for the benefit of the House that this matter was thoroughly investigated in the last Congress, hearings were printed, and the bill has been passed twice by the Senate. The committee could find no reason why Congress should not give citizenship to this man, and I hope that not much time will be lost in debating the matter.

Mr. GARNER. If this resolution passes, I venture the assertion that there are 10,000 just such cases and just as meritorious.

Mr. SIEGEL. The gentleman is in error. There are very few such cases.

Mr. GARNER. You will be getting applications from every congressional district in the United States for special bills to naturalize citizens.

Mr. JOHNSON of Washington. I will say for the information of the House that I have received 3 or 4 such applications, and at one time I thought there might be 18 or 20. If there should be a large number, I would be in favor of bringing in an omnibus bill.

Mr. GARNER. That is what I was coming to. When people find out that they can get citizenship by a special act of Congress, you will have so many that you will have to bring in an omnibus bill.

Mr. SIEGEL. There has been no case of this kind in all the history of Congress where a man has rendered the services that this man has by his labors in China for and in behalf of Americans. He is now going abroad.

Mr. KING. Will the gentleman state who this man is who has accomplished such wonderful things that we should give him a whole day in Congress.

Mr. SIEGEL. We are not going to take a whole day. This man's name is Emil S. Fischer, and way back in 1898 he served the United States Government, and the papers are full of records of what he has done for us. The lady that he is going to marry will not marry him unless he becomes an American citizen. [Cries of "Vote!" "Vote!"]

Mr. WINGO. Well, Mr. Speaker, I do not think the House ought to be voted by a petticoat. Will the gentleman explain to the House how many years this man has resided in the United States?

Mr. SIEGEL. On and off he has been here between eight and nine years.

Mr. WINGO. Mostly off, was it not? As a matter of fact, has he made any pretense of being a resident of the United States?

Mr. SIEGEL. Oh, yes; at all times.

Mr. WINGO. I am not talking about his having legal headquarters in the United States, but where has he actually resided in all these years?

Mr. SIEGEL. As I say, he has been here altogether between eight and nine years, and twice he made application for citizenship, and he has taken out his first papers, but he has never resided here for five consecutive years. At one time he was here for four years.

Mr. WINGO. It is not where he claims his residence, but whether he has actually been in the United States stopping at hotels and then going back to his actual place of abode in China.

Mr. SIEGEL. He has been in the United States sometimes as long as four years, as I said before. He has been here now since May, 1920. His sister is a school-teacher in New York and his brother has been court interpreter for 30 years in the court of general sessions of New York. This man is recommended by everybody from coast to coast and by a United States judge of the circuit court of appeals.

Mr. CHANDLER of New York. And during all of this time of his absence from the United States he has been in the service of the United States business men.

Mr. SIEGEL. Yes.

Mr. WINGO. Is it the policy of the Government—for I want to get at this, because I have declined to take up these matters for my own constituents—is it the policy of the Government that a man who spends most of his time in other countries and who may retain a nominal residence in the United States is entitled by reason of service and not by reason of residence to be naturalized by a special act of Congress?

Mr. SIEGEL. The committee does not look with favor on the few requests which have come to it, but this is an extraordinary, exceptional case in many respects. Here is a man who has a knowledge of the Chinese language. In 1907 he wrote a book showing we would be stronger after the panic, and he encouraged trade between the United States and China, and when the Fifteenth Infantry could not get quarters he obtained quarters for them.

He assisted the consul general over there in numerous cases, and besides that, at the Panama Exposition he did wonderful work for us. There is no question about that part of it. That is admitted by noted professors, scholars, lawyers, doctors, judges from all over the country, from San Francisco all the way east.

Mr. RAKER. Mr. Speaker, will the gentleman yield?

Mr. SIEGEL. Yes.

Mr. RAKER. So that the House may understand the matter, although I am not going to oppose this particular bill, it should be stated that the majority members met and considered and reported this bill before the minority members of the committee were appointed. That is correct, is it not?

Mr. SIEGEL. Mr. Speaker, let me say that the minority members knew what we were doing, and they asked us to do it. There were three Members on that side of the aisle who urged that the bill be reported as quickly as possible. Mr. Speaker, I ask for a vote.

Mr. RAKER. Mr. Speaker, would not the gentleman yield further to me? [Cries of "Vote!"]

Mr. SIEGEL. Mr. Speaker, I ask for a vote.

Mr. WINGO. Will not the gentleman yield any time for debate at all? I ask him to yield five minutes to me.

Mr. SIEGEL. Mr. Speaker, I ask for a vote. I move the previous question.

The SPEAKER. The gentleman from New York moves the previous question.

Mr. RAKER. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. GARNER. Let him take the vote first.

Mr. RAKER. No; I do not want him to take the vote. If he will not let me present the facts, then he must take a little more time.

Mr. WINGO. Mr. Speaker, this is a serious matter, and if the gentleman will not grant a little time for debate, he will find that he will take a great deal more time by it.

Mr. SIEGEL. Mr. Speaker, I withdraw the demand for the previous question and yield five minutes to the gentleman from Arkansas [Mr. Wingo].

Mr. GARNER. What has become of the point of no quorum?

Mr. RAKER. Mr. Speaker, will the gentleman yield to me for a question?

Mr. SIEGEL. Yes.

Mr. RAKER. I withdraw the point of no quorum. The point I want to call attention to is this: There is no opposition to this bill under the peculiar conditions of the case, but I find there comes to my desk this morning another similar bill. They are flooding our committee and the House with requests of this kind; they want naturalization by special act. It is not right or proper to take up the time of Congress on matters of this kind, and it should be said to the country that a man should become naturalized in the regular way, instead of coming here and saying that he loves this country, but goes to China and

stays there, and then comes back and wants a special act of Congress passed.

Mr. JOHNSON of Washington. Mr. Speaker, the gentleman does not mean to use the phrase "flooding the committee" in a literal sense. This is a second bill.

Mr. RAKER. Let me read this to you.

Mr. JOHNSON of Washington. Oh, I know that bill.

Mr. RAKER. This is House joint resolution 79:

Whereas George A. Huntley was born in Bristol, England, in 1865, but emigrated to this country and received his medical education in this country in the Universities of Vermont, New York, and Harvard, and has established permanent residence in this country; and

Whereas said George A. Huntley joined the American Baptist Foreign Mission Society in 1897, and from then until 1914 was stationed in Hanyang, China, where he was well known to many officers of the American Consular Service; and

Whereas said George A. Huntley's sympathies and interests have been with the United States for many years, so that it has been a matter of keen regret to him and his family that they have been unable to live long enough in the United States to become naturalized; and

Whereas said George A. Huntley and family have for many years done their utmost to uphold American ideals and promote American interests in China, and hope to continue so to do, but would be greatly aided in this if they were granted American citizenship: Therefore be it

Resolved, etc., That George A. Huntley be, and he is hereby, admitted to all the rights and privileges of a citizen of the United States.

They live in China, they do not live in this country, but they want to come here and get a special act passed so that it will give them prestige in China.

Mr. GARNER. Oh, the gentleman is mistaken about that. Surely they want to get a special act here, so that they can organize an American corporation in China and be exempt from taxation.

Mr. RAKER. No; these acts are for the purpose of giving men standing, so that they can say that they do not have to become naturalized individually in the ordinary way, but that they can come to Congress, and that the Congress thinks so much of them when they present their cases as to pass a bill, so that it will appeal to the Chinese people that they have a special prestige with the American people. While this case is all right and proper, yet I hope the committee will not meet and pass upon any more of these matters until they give the minority at least a chance to be present and heard.

Mr. JOHNSON of Washington. And to be in town.

Mr. RAKER. Oh, I was in town.

Mr. WINGO. Mr. Speaker, I know nothing about this gentleman, so that my objection can not be at all personal. You gentlemen may think otherwise, but you are embarking on a proposition that violates in spirit the Constitution of the United States. You are embarking upon a policy that will harass and annoy and embarrass every Member of this House. Why do I make that statement? In my district we have very few foreign born or their relatives, yet if I have at least one case where the man has performed great service to this country, which I could press, whose great service to a great organization of relief I could press in support of a private bill, what is going to happen to those of you who have numerous families of foreign born in your districts? You may do it, if you want to; you may embark upon the policy of granting citizenship by special act, but I am not going to help you do it, and I am not going to sit silent without voicing my protest against such a course of action. [Applause.]

Mr. CHANDLER of New York. Mr. Speaker, will the gentleman yield?

Mr. WINGO. I can not yield now. The gentleman from New York says that this man is going to marry. I am glad of that. I do not believe the young lady has told the gentleman that she will not marry the man unless he gets this act.

Mr. SIEGEL. Mr. Speaker, will the gentleman yield?

Mr. WINGO. Yes.

Mr. SIEGEL. I have seen the letters which were written after this Congress adjourned.

Mr. WINGO. I am sorry the gentleman said that, because it makes me think less of the young lady now than I did before he made the statement. Are you going to adopt a policy of granting naturalization by special act because some woman, however noble, says that she will not marry the man unless the American Congress stops its deliberations, violates the spirit of the Constitution, and starts on a policy of naturalizing people by special act? Go and read your Constitution, the spirit of it, not merely the letter of it. Is not this a special favor that violates a certain specific inhibition of the Constitution—the spirit of it, not the letter of it?

Mr. CHANDLER of New York. Mr. Speaker, will the gentleman yield?

Mr. WINGO. Oh, gentlemen, you may let down the bars if you want to; you may laugh at it and cry, "Vote! Vote! Let us please the good woman." I do not care how meritorious a

man's services may be. You better devote your time to men who have rendered great service to the allied troops in Europe, men whose fortunes have been dissipated. I know of one man who is broken in health, with his family starving. His uncle, in my district, has sent him money to support him and to bring him here, but the American commissioner will not permit his visé. He says that he must wait until we have more settled conditions.

Ah, gentlemen, what about that? You have got hundreds of cases like that. Would it not be better to occupy the time of the Committee on Immigration and the Committee on Foreign Affairs with that question rather than granting this special act of special distinction to a man, however noble and meritorious may be his services to the people of this country and the cause of civilization? You destroy your general rule and you open the floodgates. Gentlemen, you had better go slow.

Mr. WYANT. Will the gentleman yield?

Mr. WINGO. I will.

Mr. WYANT. To what extent has been the number of cases of naturalization by special act?

Mr. WINGO. I never heard of it before. Perhaps the older Members may, but I never heard of a case like this, simply because a man is a citizen of another country and rendered good service to this country.

Mr. CHANDLER of New York. Will the gentleman yield?

Mr. WINGO. I yield to the gentleman from New York. I should have yielded before.

Mr. CHANDLER of New York. I myself had passed an emergency act, a special act, through this House extending the time for naturalization of a midshipman at Annapolis in order that he might be graduated an officer in the Navy. The facts are a little different, but the principle is exactly the same. The man was naturalized by special act of this House.

Mr. WINGO. In other words, the gentleman thinks there is no distinction between an outright naturalization by special private act of Congress and extending the time for a man to be naturalized under the general law?

Mr. CHANDLER of New York. The principle is exactly the same. It was a special act creating a special favor.

Mr. WINGO. Of course, the gentleman can hold that contention, but my conclusion is different.

The SPEAKER. The time of the gentleman has expired.

Mr. SIEGEL. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on the third reading of the joint resolution.

The question was taken, and the Speaker announced the yeas seemed to have it.

On a division (demanded by Mr. SIEGEL) there were—ayes 61, yeas 84.

Mr. SIEGEL. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from New York makes the point of order there is no quorum present. It is clear there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 163, nays 171, answered "present" 6, not voting 89, as follows:

## YEAS—163.

Ackerman	Favrot	Kreider	Osborne
Atkeson	Fenn	Kunz	Padgett
Bacharach	Fish	Lazaro	Paige
Beedy	Fitzgerald	Lea, Calif.	Parker, N. Y.
Benham	Foster	Leatherwood	Patterson, Mo.
Bixler	Free	Lehlbach	Peters
Blakeney	Freeman	Little	Purnell
Bowers	Glynn	London	Raker
Brooks, Ill.	Gorman	Longworth	Reece
Burdick	Graham, Ill.	Luce	Rhodes
Burton	Graham, Pa.	Lufkin	Riddick
Cable	Green, Iowa	McArthur	Roach
Campbell, Kans.	Greene, Mass.	McPherson	Robison
Cannon	Greene, Vt.	MacGregor	Rosenberg
Carew	Griffin	Magee	Rogers
Chalmers	Hadley	Maloney	Rossdale
Chandler, N. Y.	Hardy, Tex.	Mansfield	Ryan
Chindblom	Haugen	Martin	Sabath
Clague	Hays	Mason	Sanders, Ind.
Clarke, N. Y.	Hersey	Mead	Sandlin
Codd	Hickey	Merritt	Schall
Colton	Hicks	Miller	Shaw
Cooper, Ohio	Himes	Modell	Shreve
Cullen	Ireland	Montague	Siegel
Dale	Johnson, Wash.	Montoya	Sinclair
Dallinger	Kearns	Moore, Ill.	Sinnott
Darrow	Keller	Moore, Va.	Slomp
Dunbar	Kindred	Morgan	Smith
Dupré	Kinkaid	Morin	Snell
Dyer	Kirkpatrick	Mott	Speaks
Elliot	Klecza	Mudd	Stephens
Ellis	Kline, N. Y.	Nelson, A. P.	Strong, Kans.
Elston	Knutson	O'Connor	Sweet
Faust	Kraus	Olpp	Taylor, Tenn.



Ten Eyck	Treadway	Ward, N. C.	Winslow
Thompson	Vaile	Watson	Wood, Ind.
Tilson	Vestal	Webster	Woodruff
Timberlake	Voigt	Wheeler	Wyant
Tincher	Volk	White, Kans.	Young
Tinkham	Volstead	White, Me.	Zihlman
Towner	Walsh	Wilson	

## NAYS—171.

Almon	Deal	Ketcham	Radcliffe
Andrews	Dickinson	King	Rankin
Appleby	Dominick	Kissel	Ransley
Arentz	Dowell	Kline, Pa.	Rayburn
Aswell	Drane	Knight	Ricketts
Bankhead	Driver	Lanham	Robertson
Barbour	Echols	Lankford	Rose
Barkley	Evans	Larsen, Ga.	Rosenbloom
Beck	Fairfield	Lawrence	Rouse
Bell	Fess	Layton	Rucker
Black	Fisher	Lineberger	Sanders, Tex.
Bland, Va.	Flood	Linthicum	Scott, Mich.
Blanton	Fordney	Logan	Scott, Tenn.
Bowling	Frear	Lowrey	Sears
Rox	French	McClintic	Sisson
Brand	Frothingham	McCormick	Smithwick
Brennan	Fulmer	McDuffie	Sprout
Briggs	Funk	McFadden	Stafford
Brinson	Gahn	McLaughlin, Mich.	Steagall
Buchanan	Garner	McLaughlin, Nebr.	Stedman
Bulwinkle	Garrett, Tenn.	McLaughlin, Pa.	Stevenson
Burroughs	Garrett, Tex.	McSwain	Stoll
Burtess	Gensman	Mapes	Summers, Wash.
Butler	Gerner	Michener	Summers, Tex.
Byrnes, S. C.	Good	Millspaugh	Swank
Byrns, Tenn.	Goodykoontz	Moore, Ohio	Swing
Cantrell	Hammer	Nelson, J. M.	Taylor, N. J.
Carter	Harrison	Nolan	Temple
Christopherson	Hawley	Norton	Tillman
Clark, Fla.	Herrick	Ogden	Tyson
Classon	Hoch	Oldfield	Underhill
Clouse	Huddleston	Overstreet	Upshaw
Collier	Hudspeth	Park, Ga.	Vinson
Collins	Husted	Parker, N. J.	Wason
Connally, Tex.	Hutchinson	Parks, Ark.	Weaver
Connell	James, Mich.	Parrish	Williams
Connolly, Pa.	Jeffers	Patterson, N. J.	Williamson
Cooper, Wis.	Johnson, Ky.	Perkins	Wingo
Coughlin	Johnson, Miss.	Porter	Woods, Va.
Crisp	Jones, Pa.	Pou	Woodyard
Curry	Jones, Tex.	Pringey	Wright
Davis, Minn.	Kelley, Mich.	Quin	Wurzbach
Davis, Tenn.	Kelly, Pa.		

## ANSWERED "PRESENT"—6.

Boies	Focht	Reavis	Stiness
Edmonds	Luhning		

## NOT VOTING—89.

Anderson	Dunn	Kennedy	Rainey, Ala.
Ansorge	Fairchild	Kiess	Ramseyer
Anthony	Fields	Kincheloe	Reber
Begg	Fuller	Kitchin	Reed, N. Y.
Hird	Gallivan	Kopp	Reed, W. Va.
Bland, Ind.	Gilbert	Lampert	Riordan
Bond	Goldsborough	Langley	Sanders, N. Y.
Britten	Gould	Larson, Minn.	Shelton
Brooks, Pa.	Griest	Lee, Ga.	Snyder
Brown, Tenn.	Hardy, Colo.	Lee, N. Y.	Steenerson
Browne, Wis.	Hawes	Lyon	Strong, Pa.
Burke	Hayden	McKenzie	Sullivan
Campbell, Pa.	Hill	Madden	Tague
Chandler, Okla.	Hogan	Mann	Taylor, Colo.
Cockran	Houghton	Michaelson	Thomas
Cole	Hukriede	Mills	Vare
Copley	Hull	Moore, Ind.	Walters
Cramton	Humphreys	Newton, Minn.	Ward, N. Y.
Crowther	Jacoway	Newton, Mo.	Wise
Dempsey	James, Va.	O'Brien	Yates
Denison	Johnson, S. Dak.	Oliver	
Doughton	Kahn	Perlman	
Drewry	Kendall	Petersen	

So a third reading of the resolution was refused.

The Clerk announced the following pairs:

Until further notice:

Mr. GRIEST with Mr. RIORDAN.

Mr. MANN with Mr. KITCHIN.

Mr. DENISON with Mr. OLIVER.

Mr. NEWTON of Missouri with Mr. HAWES.

Mr. LAMPERT with Mr. GILBERT.

Mr. JOHNSON of South Dakota with Mr. HAYDEN.

Mr. LANGLEY with Mr. TAGUE.

Mr. HUKRIEDE with Mr. JAMES of Virginia.

Mr. ANTHONY with Mr. COCKRAN.

Mr. BIRD with Mr. LYON.

Mr. MADDEN with Mr. GALLIVAN.

Mr. REBER with Mr. TAYLOR of Colorado.

Mr. MOORES of Indiana with Mr. DREWRY.

Mr. VARE with Mr. KINCHELOE.

Mr. BEGG with Mr. CAMPBELL of Pennsylvania.

Mr. KIESS with Mr. THOMAS.

Mr. BROWNE of Wisconsin with Mr. JACOWAY.

Mr. HARDY of Colorado with Mr. WISE.

Mr. SNYDER with Mr. DOUGHTON.

Mr. FULLER with Mr. SULLIVAN.

Mr. STEENERSON with Mr. FIELDS.

Mr. BLAND of Indiana with Mr. O'BRIEN.

Mr. WALTERS with Mr. HUMPHREYS.

Mr. REED of West Virginia with Mr. LEE of Georgia.

Mr. SHELTON with Mr. RAINY of Alabama.

Mr. BURKE with Mr. GOLDSBOROUGH.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

## THE BUDGET.

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Kansas submits a privileged report from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

## House resolution 74.

Resolved, That immediately upon the adoption of this resolution it shall be in order to take from the Speaker's table the bill (S. 1084) entitled "An act to provide for a national budget system and an independent audit of Government accounts, and for other purposes," and to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of such bill. After general debate, which shall continue for not to exceed two hours (one-half to be controlled by the gentleman from Iowa [Mr. GOON] and one-half by the gentleman from Tennessee [Mr. BYRNS]), the text of the bill (H. R. 30, Union Calendar No. 7) entitled "A bill to provide a national budget system and an independent audit of Government accounts, and for other purposes," when offered as a substitute for such Senate bill, shall be read for amendment under the 5-minute rule and considered as an original bill in lieu of the text of such Senate bill. At the conclusion of such consideration the committee shall rise and report such Senate bill to the House with such amendments as may have been adopted, whereupon the previous question shall be considered as ordered on the bill and any amendments thereto to final passage without intervening motion, except one motion to recommit.

Mr. CAMPBELL of Kansas. Mr. Speaker, does the gentleman from Tennessee [Mr. GARRETT] desire to arrange time for debate on the rule?

Mr. GARRETT of Tennessee. I presume we might do that.

Mr. CAMPBELL of Kansas. How much time does the gentleman from Tennessee desire?

Mr. GARRETT of Tennessee. I have a request for only 10 minutes on the rule. But I know there are some gentlemen who desire to speak on the bill itself. Therefore it may be desirable to have a little time on the rule in order to speak on the bill, if that would be agreeable to the gentleman from Kansas. Or we might agree to add an hour to general debate on the bill. If we could do so we might vote on the rule now.

Mr. CAMPBELL of Kansas. Suppose we take an hour on the rule, to be divided between the gentleman from Kentucky [Mr. CANTRELL] and myself.

Mr. GARRETT of Tennessee. Very well.

Mr. CAMPBELL of Kansas. Mr. Speaker, I ask unanimous consent that the time on the rule be limited to one hour; to be divided between the gentleman from Kentucky [Mr. CANTRELL] and myself, the previous question to be ordered on the rule at the end of that time. However, I shall offer an amendment to the rule correcting what I think is a defect in the language, and that I now wish to call attention to.

The SPEAKER. The gentleman from Kansas asks unanimous consent that the debate on the rule be limited to one hour, half the time to be controlled by himself and half by the gentleman from Kentucky [Mr. CANTRELL]. Is there objection? [After a pause.] The Chair hears none.

Mr. CAMPBELL of Kansas. Mr. Speaker, at the proper time I shall offer an amendment to line 14, page 1, to strike out the words "when offered," and in line 15, strike out the language "as a substitute for such Senate bill," so that it will read, beginning at line 14, with "and for other purposes"; that it shall be considered in lieu of the bill S. 1084 and read for amendment, in lieu of the language stricken out in line 15, and the language in line 16, in the latter part of the line, after the words "and considered as an original bill in lieu of the text of such Senate bill."

Mr. GARNER. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I will.

Mr. GARNER. Will that enable the House when it comes back from the Committee of the Whole, after consideration of this bill, to secure a separate vote on any amendment that might be adopted in the committee?

Mr. CAMPBELL of Kansas. It will be reported back to the House as one amendment.

Mr. GARNER. I want to call the gentleman's attention to the parliamentary situation as to that matter, and I would like the attention of the gentleman from Iowa [Mr. GOON] and, I hope, the entire membership of the House, because this identical question has come up a number of times in the last four or five years to the embarrassment of the House, and, I think, in a way that takes away from the House an opportunity to intelligently legislate.

For instance, when we go back to the House after we have been in the Committee of the Whole and perfected this one amendment, we must vote on that one amendment alone. However many amendments the committee may have adopted to the so-called act, there is no opportunity for the gentleman from Iowa to protect himself in the House, or to get a roll call, although his bill may have been slaughtered in the Committee of the Whole. I want to suggest to the gentleman from Kansas [Mr. CAMPBELL], the gentleman from Tennessee [Mr. GARRETT], as well as the gentleman from Kentucky [Mr. CANTRILL], that in considering rules in the future, when you authorize a bill to be substituted for another bill, if it is possible to do so, you ought to so draw the rule that the Committee of the Whole, having adopted an amendment to the original bill that you authorize to be substituted, you ought to give the House an opportunity to have a separate vote on those amendments.

And not only that, I want to call the gentleman's attention to another matter, and I hope the gentleman from Iowa [Mr. GOON] will observe it, because this has also come up in the House. This method of legislation puts an advantage in the hands of the conferees of the House which they ought not to have. To illustrate, you have but one amendment, and it is a substitute for the Senate bill. Often the membership of the House may want a separate vote on some amendment that has been adopted in the Committee of the Whole on some separate proposition. You have no opportunity to do it, and the conferees go out and fix up the matter to suit themselves and say, "Take this or nothing." I think that is bad procedure and policy for the House, to take the Senate bill and authorize the House bill to be offered as one amendment to it.

I am intensely interested in this legislation. I want to see it passed. I want to see the bill of the gentleman from Iowa [Mr. GOON] become the law, but I thought I ought to call attention to the parliamentary situation that prevents the House from properly considering the bill.

Mr. CAMPBELL of Kansas. The House in the Committee of the Whole will have opportunity to consider amendments to the bill that will be offered under the five-minute rule. That is the purpose of substituting the House bill in lieu of the Senate bill. Probably a rule could be drawn—I am not saying one will not—in the future that will permit votes in the House on the separate amendments. We are bringing this rule in so as to consider the House bill under the five-minute rule, permitting amendments that would not be in order, because they would be in the third degree if offered as amendments to the House bill, itself being offered as an amendment.

Mr. GARNER. I want to congratulate the gentleman in making that much progress. I want to ask the gentleman, if a rule can be drawn such as he has just mentioned, he does not think that is a better method by which to legislate?

Mr. CAMPBELL of Kansas. I can think of matters that might well be considered in the way the gentleman from Texas suggests.

On this bill this situation arose: The gentleman from Iowa [Mr. GOON] was the author of the budget bill in the Sixty-sixth Congress. Under his chairmanship and largely under his personal direction and through his personal labor a bill was perfected to put the budget idea into operation in the United States. The bill failed by the veto of the President. In this Congress the Senate with great expedition passed a budget bill. The members of the Special Committee on the Budget thought, and I think many of the Members of the House join them in the idea, that the House bill has been better considered and is entitled to consideration, especially by the House, and it is for the purpose of expediting action on the House bill that we took the title of the Senate bill, and it is for the purpose of expediting the passage of the legislation that we propose to consider the House bill in lieu of the Senate bill under the Senate title.

Mr. Speaker, I reserve the remainder of my time and yield five minutes to the gentleman from New York [Mr. SNELL].

The SPEAKER. The gentleman from New York [Mr. SNELL] is recognized.

Mr. SNELL. Mr. Speaker, I do not intend to take up now very much of the time of the House in discussing a matter that, so far as I am able to find out, has the unanimous support of all the Members of the present Congress. But I just want to say a word in regard to the previous history of this legislation.

Early in the Sixty-sixth Congress, recognizing the importance of this legislation and the demand from every part of the country that we should have budget legislation as early as possible, we appointed a special committee to consider this subject. On the 17th of October, 1919, under a special rule, this legislation was considered on the floor of the House. After 12 hours' general debate and generous time allotted under the 5-minute rule,

this legislation passed the House by a vote of 285 to 3, or by practically a unanimous vote of the Members of the House.

Later in the same session, on June 4, 1920, after the President had vetoed the bill, the House went on record again, notwithstanding the veto, by a vote of 173 to 103 in favor of this legislation.

On the first day of the present session arrangements were made for a special budget committee to again consider this legislation, and, as I understand, that committee brought in a unanimous report to the House. The Committee on Rules is only carrying out the will of this House and the will of the business interests and of the thoughtful people of the whole country in doing what we can to speed this budget legislation. Therefore this rule for its immediate consideration at this time.

If there is anything that this House can do to aid in the more systematic consideration of the estimates of the expenditures of the country, or in any way to more carefully guard these expenditures, it certainly is the duty of the House to do it at the present time. The importance of the legislation has been recognized by every thinking man in this country. The people are all demanding something along the line of budget legislation, and, as far as I am able to learn, there is no part of the country, no political party, or any individuals that are in any way opposed to this general legislation.

The two important features of the budget are, first, the fixing of the responsibility for the budget with the Chief Executive of the Government, where the responsibility should be placed, before any recommendations come to this body. And we do this without in any way lessening or interfering with our control over these appropriations. The second important matter in the budget legislation is the authorization of an independent audit. There is probably no one thing that will go further toward guarding the expenditures of the Government or seeing that the moneys are expended as intended by Congress than an independent audit by expert accountants in Government employ—men not dependent on political pull for their jobs, but on their ability as accountants. Or, in other words, this is putting business in Government. Heretofore we have spent hours and hours in looking over these expenditures and appropriating as little money as possible to carry on the work, but after the appropriation was made we did not do anything to see what was done in regard to the expenditure. As I understand the situation, up to the present practically all the audit has been made by the individual department heads themselves, or really by the people who spend the money. But, under the provisions of this budget, we will have an independent audit of all these expenditures, and go at it in a businesslike manner.

These two items are the principal things in the budget proposition, but there is a lot of work to put it in full operation and make it efficient. This rule is offered with the unanimous approval of your committee. The legislation is approved and demanded by all parties, and I expect it will again receive a unanimous vote on the part of the House. [Applause.]

Mr. CAMPBELL of Kansas. Mr. Speaker, will the gentleman from Kentucky [Mr. CANTRILL] use some of his time?

The SPEAKER. The gentleman from Kentucky is recognized.

Mr. CANTRILL. Mr. Speaker, I would like to be notified at the expiration of 12 minutes.

Mr. Speaker and gentlemen of the House, there is no opposition to the reporting of this rule on this side of the House in the Committee on Rules, and from what I can learn there is very little opposition to the general principle of the legislation involved in the bill. I find on investigation, looking back through the history of the various political parties, that the Democratic Party is committed in its last two national platforms to the principle of legislation involved in the bill. In other words, we as a party are committed to the budget system.

The older Members of the House, I am sure, will recall that the distinguished gentleman from Kentucky [Mr. SHERLEY], who for a great many years held a seat upon the floor of this House and who was one of the most valuable Members of the House, for years made a strong contention for a budget system. His valuable services on the Committee on Appropriations are known to the membership of the House. The former President of the United States on several occasions called the attention of Congress to the desirability of legislation of this character, and the President of the United States in his address to Congress the other day called the attention of Congress to the same thing. This side of the House, under the declaration of our party platforms in 1916 and 1920, are, as I said, committed to the principle involved in the bill. I am very frank to say, however, that under the platform of the Democratic Party adopted in 1920 this side of the House is more committed to the Senate bill than to the House bill. But I have no desire



to raise that question here at this time. That is for each Member to determine for himself when the bill comes up for general debate and a vote on the bill.

Mr. GOOD. Mr. Speaker, will the gentleman yield there?

Mr. CANTRILL. Yes.

Mr. GOOD. Did I understand the gentleman to say that the minority side of the House was more committed, so far as the platform was concerned, to the Senate bill than to the House bill?

Mr. CANTRILL. So I understand it.

Mr. GOOD. In what way?

Mr. CANTRILL. Because the platform, as I read it and understand it, adopted at our last national convention, states specifically that the budget bureau should be absolutely under the control of the Treasury Department, and as I understand it that is what the Senate bill does, which the House bill does not do. But I will say to the gentleman from Iowa that I am not raising any controversy on that subject.

Mr. GOOD. I had not been paying much attention to the provisions of that platform.

Mr. CANTRILL. Now, Mr. Speaker and gentlemen, it is known that in the last Congress the budget bill that was passed by Congress was vetoed by the President at the last session because he considered that the bill was a plain violation of the Constitution, and so in his message expressed it to Congress; and, having regard for his oath of office, believing that the bill was unconstitutional, of course he had a perfect right, and it was his duty as he saw it, to veto the bill at the last session of Congress, stating in the veto that it was with great regret that he was forced under his oath of office to veto that legislation.

So much for the principle of the legislation. I am not opposed to it. I did not oppose the rule in the Committee on Rules. In fact, we all know that the rule will be adopted practically without opposition, and no doubt the bill will pass practically without opposition.

I want to say, however, in this connection as a member of the Committee on Rules—and I say it without any criticism whatever of my colleagues on that committee, and without any criticism of the distinguished and genial gentleman from Kansas [Mr. CAMPBELL], who is the chairman of that committee—I do wish to call the attention of the House and especially of that side of the House, which upon all occasions before the election and since the election has boasted to the country of the efficiency of the Republican Party and what they intended to do for the benefit of the country, to the fact that I believe I am within the realm of truth when I say that so far as the Committee on Rules is concerned there has not been a quorum of that committee unless the Democrats on that committee went to the committee room to make a quorum in order to help that side of the House do the business which the country is demanding of you. Why, gentlemen, this very rule that is here before the House to-day is brought in without the action of a quorum of the Committee on Rules. I am not making any criticism of my colleagues on that committee. I would not go out in public and make a speech calling attention to the fact that the Republican members of the Committee on Rules hardly ever attend the meetings of that committee and that it takes the few Democrats on the committee to make up a quorum, and lots of times we bring in rules without a quorum of the committee simply because we have such high regard for the distinguished and genial gentleman from Kansas that we want to help him along with the business which he has upon his shoulders. [Applause.] Why, gentlemen, we brought a rule into the House here the other day when there were four members of the Committee on Rules present at the meeting and two out of the four were Democrats. Only two Republican members of the Committee on Rules were present at the committee meeting. Of course, I wish to be distinctly understood as exempting from criticism the distinguished gentleman from Ohio who recently was called home by the death of one of the members of his family. We all deeply sympathize with him in the bereavement which he has suffered, and of course my remarks in no way apply to him. But, gentlemen, here we are to-day with the Republican Party boasting of its efficiency to conduct the affairs of the Government, considering a bill which is in your platform and which is in our platform, and yet you did not have a quorum of the committee to bring in the resolution for its consideration. Of course, here all in the family circle, around the fireside, so to speak, where what we say does not go out on the outside, I am simply calling the attention of our Republican friends to the fact that in the future, if they want to play fair with the American public, when they go out and boast of the things they have accomplished when the session is over, it will stand them in hand to get some of their dis-

tinguished members of the Committee on Rules to attend the meetings and not leave the burden on the Democratic members of that committee to make a quorum and to bring the public business into this House in order that legislation which all parties stand for may be enacted into law. [Applause.] Our Committee on Rules has been an extremely busy committee, and as I say, usually without a quorum present.

There was a meeting called for this morning to discuss a great proposition in which the country is interested, but for some reason it was called off at the last moment, and to-morrow we will take up that proposition to investigate agricultural conditions in the country to determine what is the matter with the American farmer and with American agriculture. Of course our Democratic members on the Committee on Rules will be present to-morrow morning, and I sincerely hope that our colleagues on the Republican side will have enough interest in the American farmer and the deplorable conditions which surround him to-day to come to the committee meeting to-morrow morning and help us to have a quorum so that we will not be placed in the situation in which we find ourselves to-day, reporting rules without a quorum of the Committee on Rules present. Of course, as I said, I have such high regard for my colleagues on the committee that I am not going to raise the question that this rule is brought in here without a quorum being present.

The SPEAKER pro tempore (Mr. Hicks). The gentleman has consumed 12 minutes.

Mr. CANTRILL. I will take three minutes more. Of course, under a strict construction of the rules of the House this rule could not be brought in here to-day, because there was not a majority of the Committee on Rules present to report it; but we will waive that, because this side of the House is in favor of the legislation, and when we go into the committee to-morrow to determine what can be done for the condition of the American farmer we hope that side of the House—because we can only consider in the committee what that side of the House permits us to consider—will bring in some kind of a concrete resolution and a practical proposition that will help the great American farmer in the deplorable conditions which surround him to-day.

I was talking the other day with some distinguished Republican Members of this House, and they admitted frankly that the tariff bill which you passed through the House the other day would really not help the farmer, but they said it would have a good psychological effect. Now, to-morrow I hope you will give us something besides a treatise on psychology. The American farmer can not live on psychology. Some great writer years ago said that "in the nature of the soul is the compensation for the inequalities of condition." The American farmer has a soul, but if I mistake not you have got to give him something that will appeal to his pocketbook and to his reason instead of passing legislation here purely for the benefit of his soul. The American farmer does not need the American Congress to look after the affairs of his soul. He can do that himself with what spiritual advice he gets back on the farm, without the action of the American Congress.

The other day you passed the tariff bill through the House, and yet farm products have been dropping and dropping and dropping, and I hope that the chairman of the committee to-morrow will see his Republican friends and colleagues and for once during the life of the Sixty-seventh Congress have enough of them at the meeting of the committee to make a quorum and give us something for the American farmer besides a treatise on psychology. [Applause and laughter.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Speaker, the jocular mood of our distinguished Member from Kentucky [Mr. CANTRILL] might cause us to imitate his mood and lead us to warn him not to overlook the fact that since November his side of the House has been so completely subdued that it does not need a quorum to do business in the Committee on Rules. [Laughter.] The suggestion just made that we have been living upon psychology ought to have some significance, for we never recognized that psychology played any part until the recent President gave it recognition that business conditions are merely psychological. [Laughter.] So that if a term is used by the Democratic side of the House to apply to Republicans, they must not forget that that term was repudiated tremendously after it was used, and it might be some little relief to the Member now to continue to use it, but he must apply it to his own side of the House and not to the Republican side. So much for the jovial attitude of mind of one of the best Members on either side of the aisle. [Applause.]

I think the legislation that this rule makes in order represents about the most united general opinion of the business sense of the country of anything that has been brought before the House in several sessions.

Budget legislation is not new, but legislative interest in it is more or less new. I distinctly remember that in 1915 when the present Speaker of the House of Representatives pressed the idea and urged that it should be adopted that it was pretty severely criticized by many Members on both sides of the aisle who said that it was unnecessary. I also remember the treatment accorded by both Democratic and Republican leaders when I urged its necessity. If there is one thing that the American people are now yearning for, it is relief from unnecessary expenditures of public funds. If there is one demand of the country to be written into legislation, it is to guard against in the future any waste that is unnecessary—and I assume that all waste is unnecessary—and any extravagances that we can avoid. Whether we can reduce the cost of government at present, as I believe we can and are attempting to do, there is no doubt about the wisdom of our taking this constructive step against extravagant expenditures in the future, and for that reason I express the hope—and it has been expressed on both sides of the aisle—that this sort of legislation will be enacted without any serious opposition. I can understand how there might be some differences as to details, but there is certainly no differences in the philosophy that it is wished to be carried into the legislation by this bill.

Mr. Speaker, students of budgetary practices, both in business and governments, have expressed great surprise that our Government, the greatest business concern upon the globe, has never adopted a national budget system. They point out the fact that all great Governments but ours do operate upon such a system. That most of the States of the Union have adopted that plan of expenditure. That no first-class business concern would attempt for a month to do business without a budget procedure. They quite naturally express surprise and condemnation over the attitude of our Government.

The situation admits of explanation, quite easily understood.

The almost boundless wealth of the country has never called attention to the necessity for rigid economic administration of the Federal Government. Unlike all other nations, the cost of government here has not been a serious matter until recently. The older nations long ago were compelled to proceed upon the most exacting demands of budgetary procedure. But here in the United States we neglected thus far to inaugurate such system on behalf of economy, since its need was never pressing.

The growth of the cost of government as expressed in the increase of Federal taxation has been astounding, especially since 1916. Our failure to reduce that cost has called attention to our need of the adoption of a system which will prevent waste and extravagance, with inevitable inefficiency in the various departments.

Our present system can not be conducive to economic administration, as it invites increased expenditure through the perfectly natural rivalry of numerous committees and the inevitable expansion of departments, as well as surprising duplication of activities. Our present system is designed to increase expenditure rather than reduce it. The law of departmental operation is expansion. The measure of the value of the chief in his success is growth of his bureau. His pride is to see his department, which started with little, reach the position of a great institution, with its various divisions and bureaus, employing a large force of experts and clerical help. His ambition is worked out in enlargement of each division, addition of new bureaus, increase of his personnel, increase of the salary scale, and the largest additional appropriation, until a department which at first cost but little now costs hundreds of millions. He is not held responsible for his requests, hence he asks largely knowing that his estimates will most likely be reduced. He knows his wants will be sent to one of seven committees in the House of Representatives for allowance. He also knows Members of Congress both on and off the committee can be interviewed by persons attached to his section for such influence as they may exert—the purpose always the appropriation, never a saving.

What is true of a bureau chief in a sense is noted in committee indorsement and influence. Each committee in the House quite naturally is jealous of both its jurisdiction and success in legislation. It will therefore push to the limit its jurisdiction over legislation and its demand for appropriation that enlarges the function falling under its jurisdiction. Appropriations from the several committees become a race between or among rivals to secure funds from the Treasury rather than to safeguard them. In this procedure there is no sugges-

tion of economy since the pressure is for outlay. This plan is wholly oblivious to the general financial condition of the country at large. Each committee seeks its needs with little if any knowledge either of the needs of the six other similar appropriating committees, or the state of the revenues of the country at large. This evil of rival committees has been already cured by the unification of all appropriations in one large committee of 35. The original plan which unfortunately was not respected in the constitution of the committee was to have the whole committee made up of seven subcommittees of five members each to represent the heretofore seven appropriating committees. The subcommittee of five from the Naval Committee could competently represent the needs of the Navy Department, and so in all other departments. In this way the needs of each would be considered in the light of the needs of all. While the new committee was not so constituted and is consequently the source of considerable dissatisfaction and criticism, it is a great improvement upon the old method of committee rivalry in appropriations. It has the virtue of appropriation in the light of available revenue.

The most dangerous practice, which has grown up gradually and which must be discontinued, is the creation of deficiencies without authority. Departments estimate their needs and in satisfaction of such needs they ask for specific amounts. Congress, not convinced of the need, reduces the amount. Too frequently the bureau ignores the action of Congress and proceeds as if the allowance was voted, and when the available funds are exhausted before the end of the year a deficiency claim is presented, with the assurance that it will not be rejected, since Congress would not permit the discontinuance of the operation for the balance of the year. This practice must be forbidden, and the bureau chief who continues it must and will be drastically treated. Congress must exercise the power to discipline persons guilty of such procedure. The budget law will make this practice impossible, which becomes one of the strong arguments for its early adoption.

The present bill is the response of the widest interests demanding reasonable economy in governmental expenditures. It completes the budget plan, and is substantially the same measure passed in the last Congress, but killed by a presidential veto. This legislation is economically sound in that it fixes responsibility for estimates and expenditures in the President. Heretofore this responsibility could not be located.

Under our system the main cost of government is administration, which is under the Executive. Congress, the authorizing and appropriating power, is asked to make available funds for the needs of administration as estimated by the President, the spending power. Up to date neither body is responsible for estimates. Under the law heads of departments report estimates to the Secretary of the Treasury, who reports them to the Congress for its consideration. If the estimates are beyond the available revenues, the Treasury submits a detailed statement to the President that he may advise Congress where to make reductions, or if that can not be done how to secure additional revenue to meet the needs of the Government.

This bill proposes to require the President, whose department makes the expenditure, to be held responsible for the estimates made to Congress. It also makes a marked change by creating an independent audit, the very genius of an effective budget system.

Under the present system the comptroller and the six auditors are appointed by the President, which makes them subject to Executive influence. Because of this practice Congress, responsible for all appropriations, has no control over funds after the appropriations are made. It therefore can not follow them to ascertain how they have been applied. Its only recourse is to refuse the appropriation. The auditors need have no fear of Congress if funds are wasted, but refusal to allow expenditures is a criticism of the spending power, the Executive, to whom the auditors are responsible. The auditors are free from the authorizing body, but subject to the spending body. This bill removes from the spending department the right to audit its own books, and requires the audit to be made by an agency wholly independent of the department whose books are being audited. The comptroller is removable only by impeachment or concurrent resolution of Congress. This makes him entirely independent of the departments which spend the money, and subjects him to remote or ultimate control of the department which authorizes the expenditure. This is the item which led to the Wilson veto, because it makes the comptroller independent of the President. This feature, however, becomes the backbone of an effective budget system, without which the audit can not insure economy.



In order to insure independent action and a high grade of service the tenure of office of the comptroller general and the assistant comptroller is made for good behavior. His term of office does not depend upon the favor of anyone. This officer, to be effective in judicial economy under the tremendous pressure in which he is placed, must be made free from the influences which might secure his removal were he to act in opposition to the wishes of those seeking to use the influence. His tenure is not contingent, hence his conduct is independent and his service effective.

The growth here in Washington of bureaucratic control is ominous. The ease with which these influences seem to capture the new as they do the old heads of departments is disturbing. It appears that the critic of yesterday of this bureau control becomes the obedient apologist of it to-day.

The plausibility with which abnormal expansion in time of war must be continued in times of peace is bewildering. The Government force in Washington, which in 1917 was 37,000, is to-day in 1921 somewhat more than double that number, and we are blandly told that the Government can not be run with less. The energy is not how to reduce, but rather how to make room for more. To-day no one is responsible. Congress which makes the appropriations upon estimates submitted by bureau chiefs is criticized because it does not reduce the force. The Executive disdains responsibility, as he is not held for estimates of the various executive departments. Congress complains of the Executive because he does not hold down the estimates of his executive heads, and the Executive may complain of Congress for not denying the appropriation.

Criticism is centered in Congress because it is purely impersonal. It hits no one. While it continues the people continue to pay the bills.

The budget bill proposes to concentrate this responsibility. It is properly an Executive function as well as an Executive power, and with the power should go the responsibility. Mr. GOON, the chairman of the Committee on Appropriations, in his report stated the situation admirably.

He is the only officer who is superior to the heads of departments and independent establishments. He is the only officer of the administrative branch who is interested in the Government as a whole rather than in one particular part. He is the only administrative officer who is elected by the people, and thus can be held politically responsible for his actions. Furthermore, as head of the administration it is to him that Congress and the people should look for a clear and definite statement of what provision in his opinion should be made for the revenue and expenditure needs of the Government. The requirement that the President shall prepare and submit to Congress annually upon its convening in regular session a budget will thus definitely locate upon him responsibility for the formulation and recommendation of a financial and work program for the year to ensue.

If duplication, waste, extravagance, and inefficiency exist in any branch of the service, the President will be responsible for them if he includes items in his budget for which his administration is willing to be charged. It substitutes teamwork in the executive departments for the unorganized work of each of the members of his Cabinet.

The passage of this measure will be the consummation of a most important fiscal reform, the delay of which has been a source of great perturbation to the country, and the success of which reflects credit upon the administration which inaugurates it. It is one of the pledges we made to the country. Its early and favorable consideration will be accepted by all our people as an earnest of the administration to fulfill our pledge to them that we were sincere in our efforts to relieve the country of unnecessary burdens of waste and extravagance, and will take effective steps to guard against them in the future.

Mr. CANTRILL. Mr. Speaker, I yield to the gentleman from Louisiana [Mr. LAZARO].

Mr. LAZARO. Mr. Speaker, I have always been an advocate and supporter of the budget system. I spoke in favor and voted for the budget bill during the Sixty-sixth Congress and I shall vote for it again to-day. If there ever was a time in the history of our country when the people demanded economy in the expenditure of the public's money it is now. With agricultural products selling below the cost of production and paralysis of business everywhere it is very difficult for the people to pay their taxes and start another year. We know that under the present system estimates are furnished Congress by the various departments through the Treasury Department and that they are not inspected as they should be by any authoritative body. In this way there is duplication of appropriations, waste, and an entire absence of proper business methods. A private business could not be carried on in this way without going into bankruptcy. Under the budget system the several financial operations of the Government will be correlated, compared one with the other, and will be brought under examination at one and the same time. Responsibility will be placed on the President for the actual conduct of governmental affairs, and he in turn will look to Congress to keep within the revenues of the Government when making appropriations. It will be comprehensive. It will bring together in one consoli-

dated statement all the facts regarding the financial conditions of the Treasury and the revenues and expenditures of the Government, past and prospective. There is no doubt as to the necessity for economy and retrenchment so that the tax burden will not be so heavy on the people. The only way we can practice real economy in government is to have a businesslike administration in every department of the Government, and that will come only when we adopt a budget system.

Mr. CANTRILL. Mr. Speaker, I yield 10 minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Speaker, since I came to Congress I have been in favor of retrenching expenditures in our Government, and therefore have been in favor of this budget legislation as a means of retrenchment. The remarks I shall make are in no way partisan. We had yesterday a very amusing incident in the House. The chairman of the Ways and Means Committee brought to the Congress and to the people, through Congress, a communication from the Secretary of the Treasury, with certain advice to the appropriating power of the country. It was proper that such communication should come through the chairman of the Ways and Means Committee, because it is only through the action of that committee that our country is enabled to find the means whereby its debts may be paid. The chairman of the Ways and Means Committee brought us the following information from the Secretary of the Treasury. As shown on page 901 of the RECORD, he, Mr. FORDNEY, in substance, said:

The Secretary pointed out that within the next 24 months our Government will be met with maturing obligations to the extent of \$7,579,000,000, and this after taking off the amount which we expect to collect from our debtor nations. The Secretary also pointed out that unless Congress practices rigid economy and curtails expenses under existing law, we will not have revenue sufficient to discharge the short-time obligations of this Government. He advises the Congress that there must be rigid economy, and then the chairman of the Ways and Means Committee brought us this piece of information on his own hook. He started to tell us wherein lie some of the extravagances of the Nation. Let me read, on page 902, the following excerpts from the RECORD:

Mr. FORDNEY. I will say to the gentleman that before the war there were 33,000 Government clerks employed in this city and on the 4th of March there were 85,000 Government clerks employed here.

Mr. BYRNES of South Carolina. Congress appropriated for them.

Mr. FORDNEY. The administration then in power employed them. Whose duty is it to discharge them when they are no longer needed?

He claims that they are there because the last administration employed them. The gentleman from South Carolina was claiming that the Congress was at fault because it appropriated the money which paid the salaries, and the chairman of the committee indicated that it was the administration's duty to discharge them. Mr. BYRNES of South Carolina said that Congress appropriated the money by which they are paid, and the chairman of the Ways and Means Committee declined to yield to the gentleman further. And then the gentleman from Tennessee [Mr. GARRETT] asked that the gentleman's time be extended five minutes in order to further elucidate the subject. The distinguished chairman said that he did not want the five minutes, that he was not asking for further time, and that he asked for a vote; and that is the way it went.

I am glad that the time has come when the buck can not be passed any longer. When it was a Democratic administration that employed these clerks and I was a partisan Democrat on the floor, I was then criticizing the administration for keeping the clerks for over two years after the armistice was signed. The Democratic administration was criticized by me for not discharging the surplus clerks and sending them home, as they were unnecessary. But you gentlemen now have both the administration and the Congress and you are responsible, and for one reason I am thankful, because you can not longer pass the buck; you are going to have to act if you discharge your obligations to the people of the country.

Whenever the chairman of the Ways and Means Committee gets up and calls attention to the fact that there were 33,000 clerks before the war and you still have 85,000, many of whom ought to be sent home, he tells you that there is work for you to do in this Congress in sending them home. He says the War Department promises that they are going to send 16,000 home by the 1st of July. It could well spare that number from over the United States. But it has been upon such promises that we have been living for a long time.

Mr. BLACK. Will the gentleman yield?

Mr. BLANTON. Not just now. I have a few facts that I want to get before the House, and then if I have time I will yield. Some one asked the distinguished chairman how they were going to change the extravagant expenditures of the public money, and he said that there was one department that ought

to be revamped. I do not know what he meant by the term "revamped," but he might have meant that it ought to be made over. When a man has been vamped something has happened to him and he is not much of a man. Revamping him sometimes does not better him. I do not know whether the same principle will apply to the department of the Government or not, but right in the face of the information sent here by the Secretary of the Treasury through the chairman of the great Ways and Means Committee, that within the next 24 months the Government is going to have matured \$7,000,000,000 of obligations, and that the most rigid economy must be exercised by the House—in less than 10 minutes the first act the House did was what?

A resolution to employ an unnecessary outside gentleman from Ohio on the Reorganization Committee was passed, and to pay him a salary of \$7,500 a year. He knows little about the departments and when you have Members of this House already drawing that salary acquainted with the departments and Government business, from whose number certainly you could have selected some man familiar with the organizations here in the departments of the Government. The man whom you selected and agreed to pay \$7,500 a year to is a splendid, fine fellow, intelligent, able, and in a political way conducted the political fortunes of the Progressive Party in the State of Ohio. Certainly he has to be looked after in some way, but he ought to have been looked after in another way. A salary of \$7,500 a year is a little matter, it is a bagatelle, but you have to begin on the bagatelles if we save enough money to pay these \$7,000,000,000 of obligations that are maturing in the next 24 months. You made a bad start in practicing rigid economy.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield to the gentleman from New York [Mr. Hicks].

Mr. HICKS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the budget bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. JOHNSON of Mississippi. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the military bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. CANTRILL. Mr. Speaker, I yield one minute to the gentleman from New York [Mr. Kindred].

Mr. KINDRED. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the budget bill.

The SPEAKER. Is there objection?

There was no objection.

#### WATERWAY FROM THE GREAT LAKES TO THE ATLANTIC OCEAN.

Mr. WOOD of Indiana. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein a copy of a concurrent resolution adopted by the Legislature of Indiana approving the action of the governor of that State in advancing the undertaking for a waterway from the Great Lakes to the Atlantic Ocean.

The SPEAKER. The gentleman from Indiana asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The resolution is as follows:

A concurrent resolution approving the action of the governor in advancing the undertaking for a waterway from the Great Lakes to the Atlantic Ocean.

Whereas it is proposed to make such improvements in the St. Lawrence River as to make the Great Lakes accessible to ocean-going commerce; and as this improvement will, in effect, bring the State of Indiana hundreds of miles nearer the world's markets; and as there are within the State great resources that lie wholly undeveloped, while the production of all things is diminished or retarded by distance from markets; and because our producers and the consuming public have alike suffered enormous losses in the last two years by transportation shortage and failure; and because by reason of these conditions the transportation situation constitutes an emergency need; and as a number of States have joined in the Great Lakes-St. Lawrence Tidewater Association, having as its object the early undertaking and completion of this improvement: Be it

Resolved by the senate (the house of representatives concurring), That the State of Indiana is properly associated in the above-named organization with its neighboring Commonwealths in pressing to advance this undertaking, and that the action of the governor in so declaring is hereby approved and confirmed, and the participation of this State, by the governor and those who represent him in the council of these States, is approved.

Sec. 2. That the representatives of this State in the Congress of the United States be requested to facilitate and expedite in every way possible the prosecution of this undertaking for the economic freedom of a land-locked continent.

NOTE.—The above concurrent resolution was passed in both House and Senate of Indiana's Legislature on March 1 last.

GREAT LAKES-ST. LAWRENCE TIDEWATER ASSOCIATION,  
INDIANA COMMISSION, INDIANAPOLIS,  
C. H. COMSTOCK, Secretary.

#### THE BUDGET.

Mr. CANTRILL. Mr. Speaker, I yield three minutes to the gentleman from Texas [Mr. Black].

Mr. BLACK. Mr. Speaker, my object in venturing to speak a few minutes at the present time is to clear up some statements which have been made about the number of employees that are to be discharged from the War Department. The gentleman from Michigan [Mr. Fordney] spoke a few minutes in the House yesterday, and one would probably infer from reading his remarks that 16,000 War Department employees in the city of Washington are to be discharged. I am sure that was not the meaning which he intended to convey. I asked my colleague from Texas [Mr. Blanton] a moment ago to yield to me in order that I might make a correction as to the evident misapprehension of some as to the number of employees in the War Department here in Washington, but he did not have the time to do so.

This particular subject came up last December in some criticism which was made then of Secretary of War Baker, the contention being that he had not reduced the number of employees in the department as much as he should have. Desiring then that a correct statement of the facts be made I took occasion to take the matter up at once with the chief clerk of the War Department. That official gave me the following figures, which I think should go into the RECORD at this point.

At the time of the signing of the armistice there were 37,406 civilian employees in the War Department here in Washington. On December 14 last, the day when the chief clerk of the War Department gave me these figures, there were only 10,298 civilian employees in the department in Washington, making a reduction of more than 27,000 employees since the signing of the armistice, or more than 72 per cent. I do not take the position that further reductions in the Washington offices of the War Department are not possible. I do not know. I hope further reductions can be made; but I thought it ought to be made clear that Mr. Fordney evidently did not mean to say that 16,000 employees here in the city of Washington were to be dismissed before July 1, because unless the number has been very largely increased since December 14 last that could not be done, as they had only a few more than 10,000 at that time.

Mr. REAVIS. Mr. Speaker, will the gentleman yield?

Mr. BLACK. Yes; I yield to the gentleman from Nebraska.

Mr. REAVIS. In the investigation of the Select Committee on Expenditures in the War Department quite recently we ascertained that in the care of the surplus property here in the city of Washington there were something like 1,000 civilian employees, while in the city of Omaha, where there was nearly twice as much surplus property as there is in the city of Washington, there were only 10 civilian employees. A further investigation disclosed the fact that the civilian employees, ostensibly employed to take care of the surplus property, were chauffeuring officers and doing similar work. There is opportunity for vast reduction.

Mr. BLACK. I shall be glad to see it proceed, and I only rose to say that Mr. Weeks evidently meant, when he said there would be a reduction of 16,000 civilian employees in the War Department, that it would be throughout the country, and not merely here in Washington.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. CAMPBELL of Kansas. Mr. Speaker, the discussion on this rule has taken rather a wide range. I do not desire to follow the example set by other Members in its discussion, but I can not refrain from a word of comment upon the remarks of the gentleman from Kentucky [Mr. Cantrill], my very good friend. The difficulty in securing a quorum in the Committee on Rules did not begin in either the Sixty-sixth or the Sixty-seventh Congress. That difficulty was quite as manifest in the Sixty-fourth and the Sixty-fifth Congresses as during the last Congress and in this. I think perhaps there is some reason for the difficulty that attaches to securing a quorum of that committee. First of all, the majority of the meetings of the committee are suddenly called. Members of the committee are in the departments or are attending to other duties, perhaps, and in some instances they do not get the notice of the meeting of the committee. In any event what the gentleman from Kentucky [Mr. Cantrill] said is true. It is difficult, has been difficult to get a quorum of the committee together, and there was disposition on the part of the minority in the Sixty-fourth and in the Sixty-fifth Congresses, as well as in the Sixty-sixth and so far in the Sixty-seventh, to expedite the business of the House by not raising the question of a quorum in the committee, and I am greatly indebted as chairman of that committee for the consideration shown at all times by the minority members. I can not help thinking that perhaps the consideration they have shown may in some degree be due to the fact that in former Congresses,



when it required seven Democratic members to make up a quorum of the committee, those seven Democratic members were not always there, and the question of a quorum was not raised and the public business was not impeded by its being raised.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. GARRETT of Tennessee. I suppose it is not against the rules to go into the secrets of Congresses long past. I do not recall an occasion during which the Democrats were in the majority when there was a failure of a quorum of Democrats on the Committee on Rules.

Does the gentleman recall—

Mr. CAMPBELL of Kansas. The memory of the gentleman from Tennessee is so very good on other questions that I am surprised that it is a little hazy on this question. I recall many occasions—

Mr. GARRETT of Tennessee. Well, at any rate, whatever it may be, the gentleman from Kentucky has certainly done the gentleman from Kansas a great kindness provided the steering committee will take notice and tell them to be there when the gentleman from Kansas needs them.

Mr. CAMPBELL of Kansas. Well, now we may take up the question of the rule. [Laughter.] Mr. Speaker, I ask to have the amendment which I offered reported.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Kansas.

The Clerk read as follows:

Mr. CAMPBELL of Kansas offers the following amendment: Page 1, lines 14, 15, and 16, and line 1, on page 2, after the word "purposes"; line 14, strike out the words "when offered as a substitute for such Senate bill," and after the words "shall be," in line 15, strike out the words "read for amendment" and insert "considered in lieu of Senate bill 1084 and read"; and in line 16 and line 1, page 2, after the word "rule"; in line 16, page 1, strike out "and considered as an original bill in lieu of the text of said Senate bill" and insert the words "for amendment," so that as amended the paragraph will read, beginning after the word "purposes," line 14, "shall be considered in lieu of Senate bill 1084 and read under the five-minute rule for amendment."

Mr. CAMPBELL of Kansas. Mr. Speaker, I ask for a vote on the amendment.

The question was taken, and the amendment was agreed to.

The question was taken, and the resolution as amended was agreed to.

Mr. GOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 1084.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 1084, with Mr. BURTON in the chair.

Mr. BURTON took the chair amid applause.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill S. 1084, which the Clerk will report.

The Clerk read as follows:

An act (S. 1084) to provide a national budget system and an independent audit of Government accounts, and for other purposes.

Mr. GOOD. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Unanimous consent is asked that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none. The gentleman from Iowa is recognized for one hour.

Mr. GOOD. Mr. Chairman, I doubt if Congress will be called upon to pass legislation of greater consequence to the country than the bill which we are now considering. For a number of years men have been talking about a budget system, others have been writing articles on budgetary legislation, and it is now proposed within the next week or ten days to place upon the statute books a bill that will bring about a practical realization of these hopes and expectations. We have been talking about economy in Government affairs, and at the same time have been practicing extravagance. This has been true irrespective of the political party that has happened to be in power. The trouble has been that we have had no business system with which to conduct the fiscal affairs of the Government. The Government of the United States is the biggest business concern in all the world, employing more men, disbursing more funds than any other Government or other corporation in all the world, and yet it has been conducting its affairs without the application of business principles.

The President a few days ago in this Chamber stated that the Government must get out of business, but that the Government must conduct its affairs along business lines. This bill, if enacted into law, will enable the Government to do that very

thing. More important is it now than ever before that we should engage upon legislation of this kind. More important is it now than ever before that we should have a business program for the Government of the United States. Formerly the revenues flowed into the Treasury much more rapidly than did our expenditures flow from the Treasury. For 52 years, from 1865 to 1917, both inclusive, the revenues exceeded the expenditures during 41 of those years, and the total revenue during that period was \$2,117,000,000 more than the ordinary expenditures, and that surplus went toward the extinguishment of a Civil War debt. Take the year 1907, which was typical of that period. During that year we collected \$856,000,000 for all purposes, and collected it without the imposition of a single dollar of direct taxes upon the people of the United States. And that revenue was sufficient to pay all the expenses of the Government and apply to the Nation's debt \$111,000,000. But those days of Government financing are past, never to return. The war and the burden of debt left by it has brought us face to face with a new condition.

While we may not like this new condition, it is here, and we must meet it. To meet it successfully we must apply principles so far as government administration is concerned, and they will be found to be the same principles that successful business men everywhere have found necessary in the conduct of their affairs. That is the purpose of the budget bill. For the next year the cost to run the Government of the United States has been variously estimated. Here in the House we have felt that if the House bills for the Army and Navy should pass substantially as they passed in the last Congress the total expenditures for the next year—not counting anything additional for losses growing out of Government control of railroads, and not counting anything for deficiencies and not counting anything for good roads—the total appropriations will approximate \$3,530,000,000, but after making allowance for all of these purposes, at the rate of \$100,000,000 for good roads, \$200,000,000 for deficiencies, and \$175,000,000 to pay losses growing out of Federal control and operation of railroads, the total demands on the Treasury next year ought not to exceed \$4,000,000,000; but to hold the expenditures down to this sum for the next year and to reduce it to \$3,500,000,000 for the following fiscal year it is going to require a change in the fiscal policy of the United States.

It will be necessary to wipe out duplications in the Government service, to eliminate inefficiency, and to stop unnecessary work. It will be necessary to adopt a system of economy and efficiency in every department, establishment, and bureau in order that the Government of the United States may obtain what it has never obtained before in all its history, and that is a dollar's worth of service, if possible, for every dollar expended.

There is a difference between the bill as reported to the House and the bill that has been messaged to us from the Senate.

The House bill creates two principal agencies, the bureau of the budget and the general accounting office. The House bill is built upon the principle that the President of the United States is the only official elected by all the people, and hence the only official who is pledged to carry out platform obligations of the party in power. To-day he is the only official elected by all the people pledged to bring about economy in the Government service. He appoints, with the advice and consent of the Senate, the 10 Cabinet members; he appoints the members of the independent establishments. We do not appropriate money simply for the purpose of making appropriations; we appropriate money to carry out work planned for the Government. The President alone formulates this plan. He has very recently laid a part of his plan before us and before the country which it is proposed the Government of the United States must carry out, and in order to do so certain appropriations must be made. The appropriations are necessary for the execution of that plan.

The President being the one official that makes the plans, it seemed to the members of the House committee, irrespective of the party to which they belong, that the President when he is making his work plans should take into consideration the cost of the execution of those plans; that it would be idle to give the President the power to lay these great work plans of the Government and then leave to some other official of the Government the duty of specifying what they were going to cost. The first thing the President will want to know when he is laying his plans for certain undertakings and submitting them to Congress is what the execution of them will cost, and the decision upon the plans and upon the expenses involved in the execution of them must go hand in hand. So we thought that under our system of Government, so different from that prevailing in other countries, the one person to make the budget and submit it to Congress was the President of the United States. We called before us many eminent men and sought

their counsel and advice. We were honored by the advice of former President William Howard Taft, and we asked him the question as to whether or not the President could do the work. He said, "Yes; the President can do it. The President must in the end pass upon those things, and he can do the work if you will give him the machinery."

This bill gives him the power and then it places in his hands the machinery. The Senate bill, on the contrary, would leave the making of the work plan with the President, but it places the duty of estimating for the expenses of the execution of that plan, the preparation of the budget, on the Secretary of the Treasury. There are those who very seriously contend that because the chancellor of the exchequer, the official in Great Britain that compares in a way with our Secretary of the Treasury, submits the budget to the British Parliament our Secretary of the Treasury here should prepare and submit the budget. But when you come to analyze the British system and compare it with ours, you are struck with the dissimilarity of the duties of the two officers, and you will fail to find any points of similarity. The fact is, the British treasury is not a public-service department at all, while the Treasury of the United States is the greatest public-service department in the United States, and is nothing else. The British treasury is, more properly speaking, a board of administrative control, and supervises the operation and management of the public-service department. It is so different from our own Treasury Department that it can not be compared with it.

The British treasury does not do these things:

First, it does not collect any public revenue. That is collected by the revenue departments.

Second, it does not audit public expenditures. That is done by the establishment of the comptroller and auditor generals.

Third, it does not administer the public debt. That is done by the national debt commission, a separate agency entirely.

Fourth, it does not receive the public revenue or pay it out through disbursing officers. That is done by the Bank of England and of Ireland, which is the fiscal custodian of all public funds, while our Treasury does all of these things, and which are the things that have been imposed upon it from its creation.

Mr. REAVIS. Will the gentleman yield right there?

Mr. GOOD. Yes.

Mr. REAVIS. In connection with that statement, is it not also true that the budget system in England is being seriously assailed as inefficient?

Mr. GOOD. Yes; that is true. Of course, during the war no government system stood up at any place in the world. But as a system the British system functioned much better than did our system in the United States. The only part of the British system that stood up during the war, that was a really effective organ, was the accounting department. That department was a great success. A like agency here would have resulted in great saving during the war. But still the British system is a great system for the British Government. Their Government is altogether different from ours. The system we have laid down here for our Government would not fit at all into the British system, and the House committee contends that their system will not fit into ours, inasmuch as the systems of the two Governments are so different. The administration of the social insurance system in Great Britain has been placed directly under the treasury in recent years. This is the only spending department or agency in the British treasury.

The principal duties of the British treasury are: First, the preparation of the budget; second, the supervision and control over expenditures of appropriations by spending departments only. The chancellor of the exchequer, as you know, is a member of Parliament and is the head of the treasury. He is assisted by the patronage secretary and three junior lords of the treasury, who are also political officers. He has two assistants, who are his chief aid and are permanent officials—the permanent secretary of the treasury and permanent financial secretary. The former is the administrative head of the treasury and the latter administers the treasury's control over other services of the Government.

Now, let us look at our Treasury Department for a moment and see if the preparation of the budget should be lodged there, and also see whether or not it is already overburdened with great activities, many of which we could not remove without destroying our whole system. During the next year the Secretary of the Treasury, unless it is changed, will have under him the Public Health Service, as he has now and has had since the creation of that service.

For the next year that service will expend, all told, approximately \$50,000,000, of which \$41,000,000 will be for the war-risk patients and \$9,000,000 for beneficiaries other than war-risk patients. He also has under him the War Risk

Bureau with 5,000 employees engaged in the administration of the law providing for our discharged soldiers. He has under him the office of the Treasury of the United States, with 1,400 employees, drawing annual salaries in the aggregate of \$1,500,000; the office of the Comptroller of the Currency, with 165 employees, drawing annual salaries aggregating more than \$223,000; the office of the Director of Mints, with over 1,000 employees, and conducted at an annual expense of more than \$2,000,000; the office of the Commissioner of Internal Revenue, with more than 20,000 employees, and conducted at an annual expense of \$31,000,000; the Bureau of Engraving and Printing, which prints and engraves all of the United States notes, bonds, certificates of indebtedness, national bank notes, Federal reserve notes, Federal bank currency, and internal revenue, postage, and thrift stamps, and the like, employing over 7,000 persons, and conducted at an annual expense of more than \$13,000,000. He collects the customs, and in that service employs about 7,000 persons at an annual expense of more than \$10,000,000.

His Coast Guard contains 100 vessels and maintains 272 life-saving stations and employs 5,000 men, and is conducted at an annual expense of over \$10,000,000. The Division of Public Moneys, of Loans and Currency, of the Secret Service, of Printing and Stationery; the office of the Comptroller of the Treasury, with all the auditors for all the other departments of the Government; the Register of the Treasury and the Federal Farm Loan Board—these activities, placed upon the Secretary of the Treasury by acts of Congress, have already overburdened that department, and when we come to study, as we must, the efficiency of the various departments of the Government, I dare say we shall find in the Treasury Department of the United States inefficiencies and overlappings that must be corrected there that have been much greater than found in the other departments, and that is because it already has too much to do. Now, if by law you say to the Secretary of the Treasury, one of the Cabinet members, "You prepare the budget for the other nine Cabinet members," the other nine will come back and say to the Secretary of the Treasury, "It is high time that you were bringing about some degree of efficiency in your own department." And 5,000,000 ex-service men who have rather bitterly complained of the lax administration of the war risk act are likely to say "Amen." And in saying this I do not want to be understood as reflecting on the great ability of the Secretary of the Treasury or his predecessor.

John Sherman tried it. He attempted to regulate the estimates as they came in from the other departments, and it was not long until the other members of the Cabinet refused to speak to the Secretary of the Treasury when they met him on the street. Present or future Cabinet members will be more than human if they shall be able to function efficiently under such a plan.

Mr. TEMPLE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Pennsylvania?

Mr. GOOD. I yield.

Mr. TEMPLE. Would it not be well to add to the bureaus under the Treasury Department the Bureau of War Risk Insurance, with its 5,700 employees, in which efficiency has been lacking?

Mr. GOOD. I thank the gentleman for the suggestion.

Now, some of these agencies that are in the Treasury Department will unquestionably be assigned to some other departments where they can be better and more economically administered. But after you have taken out of the Treasury Department all of the nonfinancial or nonfiscal agencies you still have left in that department all and even more than one man can supervise, and it has seemed to us that it would be unnatural and unwise to say to one of the Cabinet members, "You shall supervise your own estimates and also pass upon the estimates of the other Cabinet members." The committee does not believe that it is practicable; we do not believe that it will work; and there was scarcely a man who came before the Committee on the Budget who did think the plan was workable at all. So we create the bureau of the budget, a bureau that is to be the machine of the President; one that is to go out without fear or favor in all of the departments, the Treasury Department as well as any other department; to the War Department, the Navy Department, the Interior Department, the Post Office Department, and to all of the other Government departments, and with the same measure bring about economy.

The director of the bureau must perform his work without fear or favor. He must do it with a realization at the outset that practically every Senator in the United States Senate will at some time or another be opposed to what he is doing. He must do it with a realization that at some time or another



practically every Member of this House will oppose him. But the fortunate thing is that they will not all oppose him at the same time. They will go separately. Many of these offices must be abolished. Some of the men who are here performing a public service must go home, and they will have to be sent home; and when such an officeholder comes from your district you will go down and see the officer in behalf of the man from your district whom he is discharging, and Senators will go down, and they will make strong pleas showing how this man or that man who is slated to go has been a faithful public servant and why he should be permitted to remain.

When it comes to discharging these men who must be discharged, I say to you it is going to test the backbone in a man who has to do this work; it will try the fiber of the best man that the President can secure. [Applause.] We ought not to throw upon the Secretary of the Treasury this duty, when we know that the Secretary of the Treasury, with all these other duties, could not perform it, and we know, too, that if he attempted to perform it he would simply create disturbance with the other members of the Cabinet whose organizations by such act he was attempting to regulate and control.

So much for the bureau of the budget. Let us now examine the provisions as to the general accounting office which is created by the bill. We have gone quite carefully into the matter of the audit and the examination of accounts. We believe that our present system is entirely wrong. We have now six auditors.

Without any reflection upon the men who were selected as auditors, or upon the wisdom of their selection, because the same principle was invoked when the Republican Party was in power—my recollection is that in the selection and appointment of these auditors only one man was appointed who previously had had charge of a set of books. All the other auditors were selected, when both Democrats and Republicans were in control, from among men who could control in a political way a ward or a precinct or a city or a State. They were good politicians but were not auditors, but places had to be found for them as a reward for services, so they were made auditors overnight.

Now, we propose by this plan to have one accounting department for the final audit of all accounts, and that office shall have charge not of the administrative audits, because in each department there is already an administrative examination and audit, but the auditing force that makes the final audit, and is separate and distinct from the administrative audit force, is transferred to the accounting department. For the administrative head of the general accounting office the bill creates the office of comptroller general and the assistant comptroller general, and we have found it necessary to make his tenure in office secure. It not infrequently happens that we have in times past called the Comptroller of the Treasury before us and witnessed his discomfiture when he was pressed with regard to inefficiency in various departments, because he knows of it. It comes to him through this auditing force, which costs the Government every year about \$3,000,000. He, of course, would be very much embarrassed if he were to sit down at the table before the Committee on Appropriations and say to that committee that the administration of which he was a part was inefficient.

It is perfectly natural that they would not do that sort of thing, and why? If the comptroller ventured to do that under our present system, his head would be cut off, very likely, in a very short time. Some reason would be found for his removal.

I think it was under the administration of President Cleveland that the President desired to use a certain appropriation for a given purpose, and was told by his Comptroller of the Treasury, who happened to be a little independent of this system, that he could not do it. But the President insisted and finally said, "I must have that fund, and if I can not change the opinion of my comptroller, I can change my comptroller." With less independence all comptrollers, no matter to which political party they owe allegiance, have been forced to face the same practical situation.

Now, we propose to change that. We believe that the Committee on Appropriations and the committees on expenditures and on revenue that are investigating matters under their jurisdiction should have at all times something more than an ex parte statement with regard to expenditures. We try to cut down expenditures, and nine times out of ten we are cutting appropriations in the dark, and not infrequently we cut too deeply and injure a worthy public service. But we have only the one source to look to for our information aside from a history of past transactions, and that is the statement of the Secretary whose department is being investigated or whose department is asking for appropriations and the bureau chiefs under him. Every bureau chief who is worth anything wants his

department to grow, and he knows that the department can grow only by the growth of appropriations. So year after year they come and ask for new activities and additional money to perform those activities, and most frequently Congress and the committees of Congress have no way of getting down to the actual facts, except as we dig them out from an unwilling witness, a witness naturally unwilling because he wants the money, and in his attempt to get the money he will cover up all the defects of his office, all the shortcomings of his organization, simply to get the appropriation for his department. We have no check at all upon this method. This bill provides for that very check.

It provides, it seems to me, for well-regulated checks and balances in the two departments. It creates the office of the comptroller general, and he must audit all accounts. We have created this office and have made it a semijudicial one. We have provided for the appointment and removal of the officer, so he can not be removed if perchance he criticizes the administration of which he may be a part. Under the law it is his duty to come to the committees of Congress that have jurisdiction over appropriations, expenditures, and revenues, and explain to them at all times where there is any inefficiency, where there is a waste or a lack of economy; and when the committee from the bureau of the budget or the President's staff come and explain the budget, sitting right there, they are brought to face the comptroller general of the United States; and if a representative of the bureau of the budget states something that is not true, if he fails to state the whole truth, the comptroller general sits there with the Committee on Appropriations as an arm of Congress and can supply the desired information. In this way the facts will come before Congress in a way that we may eliminate duplications wherever we find them, and where we find there is an excess of employees they can be eliminated, and the service will not be injured by an injudicious cut in the appropriation.

Now, the one thing that prevented the passage of this bill in the last Congress was the matter of the removal of the comptroller general. The House bill before us contains the same provision that it carried at the time it was vetoed by President Wilson. We have provided in this bill that the comptroller general and the assistant comptroller general shall hold their offices during good behavior, and shall be removed only for inefficiency, neglect of duty, malfeasance in office, or conduct involving moral turpitude, and, except by impeachment, he can only be removed by concurrent resolution of Congress.

The President vetoed the bill last year because, in his opinion, that provision was in violation of the constitutional provision giving him the power to appoint and, as he claimed, the incidental power to remove.

Section 2 of Article II of the Constitution of the United States, among other things, provides that the President—

shall nominate and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

In no place does the Constitution give the President or any other officer of the Government the right to remove a public officer. I think it will be admitted that the officers that we are creating by this bill are inferior officers within the meaning of the Constitution. They will perform great duties, but, nevertheless, under that constitutional provision they are inferior officers. So, too, the members of the President's Cabinet and all other officers created by law and not mentioned in the Constitution are, within the well-accepted decisions, inferior officers, although they perform great services. There is nothing inferior so far as the powers conferred upon them are concerned, for in that respect they are superior to some of the superior officers; but within the meaning of the Constitution they are inferior officers.

It was the contention of the President that, inasmuch as we vested the power of appointment of the comptroller general and the assistant comptroller general in the President of the United States, by that act we also vested in him the incidental power to remove and had no constitutional right to vest that power elsewhere.

Follow, if you will, that line of reasoning to its logical conclusion. It will be observed that the President acting alone does not have the power to appoint an ambassador or a judge. He has the power to nominate, but his power of appointment is limited. He can appoint only by and with the advice and consent of the Senate. And yet the construction that we would be forced to place upon the constitutional provision if we should follow the logic of the President's veto message is that the

provision giving the direct power to appoint only with the advice and consent of the Senate carries with it the incidental power, greater than the direct power—that is, the power to dismiss or remove from the service without anyone's advice or consent.

If the President's contention is right, if we are to follow that line of constitutional constructionists, then we must repeal virtually hundreds of acts that we passed during President Wilson's incumbency of office, when we took from the President some of these very powers and provided for the exercise of those powers ourselves. The following are some of the acts of Congress which provide, in part, that Congress shall in a limited degree have a voice in their execution:

1. R. S. 4826. Nine managers of National Home for Disabled Volunteer Soldiers, to be elected by joint resolution of Congress.

2. R. S. 5581. Six regents of the Smithsonian Institution, to be appointed by joint resolution of Congress.

3. Act of February 14, 1902 (32 Stat., 20). Changes in architectural features of Capitol Building or landscape features of grounds to be made only on plans approved by Congress.

4. Act of December 23, 1913 (38 Stat., 272). Banks not to be "subject to any visitatorial powers other than such as are authorized by law or vested in the courts of justice, or such as shall be or shall have been exercised or directed by Congress," etc.

5. Same, as amended September 26, 1918. Bank examiners not to disclose names of borrowers from member banks of Federal Reserve System, etc., "except when ordered to do so by a court of competent jurisdiction or by direction of the Congress of the United States," etc.

6. Act of July 17, 1916 (39 Stat., 383). Examiners not to disclose names of borrowers from land banks or national farm-loan association "except when ordered to do so by a court of competent jurisdiction or by direction of the Congress of the United States," etc.

7. Act of August 29, 1916 (39 Stat., 546, sec. 3). Public officers in Philippine Islands not to accept presents, etc., from foreign governments "without the consent of the Congress of the United States."

8. Act of February 23, 1917 (39 Stat., 936, sec. 16). State boards may appeal to Congress in case of withholding of allotments by Federal Board for Vocational Education, "and if the Congress shall not direct such sum to be paid it shall be covered into the Treasury."

9. Act of March 2, 1917 (39 Stat., 951, sec. 2). Same, in respect to Porto Rico, as act of August 29, 1916, above.

10. Act of March 3, 1917 (39 Stat., 1055). United States representative on permanent commission of International Geodetic Association given authority to vote "on all matters coming before the association, including the extension of its existence subject to the approval of Congress."

11. Act of May 16, 1918 (40 Stat., 552, sec. 5). Property acquired for housing of war workers to be sold at the close of the war, but "before any sale is consummated the same must be authorized by Congress."

We must go back and rewrite the Articles of War where we conferred upon the War Department the right to institute the court-martial proceeding and provided that no officer, although appointed by the President, could be removed except he was tried and removed in accordance with the verdict of the court-martial. But fortunately we are not left entirely to conjecture in this matter. The courts have been called on in numerous cases to pass upon the subject, not exactly on all fours with this concrete proposition, but the Supreme Court has by dictum in a number of cases indicated what its construction would be in just this kind of a case. In construing the Constitution of the United States that court has always regarded it as unwise to simply preserve the Constitution as a book if such construction would let the Nation die.

An early case that bears on this proposition is that of *ex parte Hennen*, Thirteenth Peters, page 230, where the court said:

All officers, the tenure of which is not fixed by the Constitution or limited by law, must be held during good behavior, or practice (which is the same thing in contemplation of law) during the life of the incumbent; or must be held at the will and discretion of some department of the Government, and subject to removal at pleasure. In the absence of all constitutional provision or statutory regulation it would seem to be a sound and necessary rule to consider the power of removal as incident to the power of appointment.

And in drafting this bill we have considered that the President would have the incidental power of removing this official when we gave him the appointing power, if we did not by statutory regulation take it away from him, and that is just what we have done.

Again, in *United States v. Perkins* (116 U. S., 483) the court says:

Whether or not Congress can restrict the power of removal incident to the power of appointment of those officers who are appointed by the President, by and with the advice and consent of the Senate, under the authority of the Constitution, does not arise in this case and need not be considered.

We have no doubt that when Congress by law vests the appointment of inferior officers in the heads of departments it may limit and restrict the power of removal as is deemed best for the public interest. The constitutional authority in Congress to thus vest the appointment implies authority to limit, restrict, and regulate the removal by such laws as Congress may enact in relation to the officers so appointed.

The head of a department has no constitutional prerogative of appointment to offices independently of the legislation of Congress, and by such legislation he must be governed not only in making appointments but in all that is incident thereto.

It would be indeed strange if we could in an act of Congress creating an inferior officer, fixing his salary, his tenure, and

prescribing the grounds upon which he could be removed, if we could not then by resolution determine the question as to whether the grounds for removal were sufficient, or whether he should be removed.

In *Parsons against United States*, One hundred and sixty-seventh United States, 324, the facts were that the President had removed from office a district attorney before the expiration of the latter's four-year term of office and the Senate confirmed the new appointee. Parsons contended that he could not be removed without a public hearing. The court took the view that the President had the power to remove this official, and said:

This could never have been the intention of Congress. On the contrary, we are satisfied that his contention in the repeal of the tenure of office section of the Revised Statutes was again to concede to the President the power of removal if taken away from him by the original tenure of office act, and by reason of the repeal to thereby enable him to remove an officer when, in his discretion, he regards it for the public good, although the term of office may have been limited by the words of the statute creating the office. This purpose is accomplished by the construction we give to section 769, while the other construction turns on a statute meant to enlarge the powers of the President into one circumscribing and limiting it more than it was under the law which was repealed for the very purpose of enlarging it.

There are quite a number of cases bearing in an indirect way on this subject of the power of removal and which clearly indicate the opinion of the court with regard to this matter.

In the case of *Blake v. The United States* (103 U. S., 227), in which, although there may have been some doubt of the power of the President to remove under a certain act, such power was upheld, the court said:

This indicated the tendency of the court to require explicit language to that effect before holding the power of the President to have been taken away by an act of Congress.

The right of removal would exist if the statute had not contained a word upon the subject. It does not exist by virtue of the grant but it inheres in the right to appoint, unless limited by Constitution or statute.

Every time the court has touched upon this question it has used the same phrase, that the power of the President to appoint carried with it the incidental power to remove, unless that power was limited by Constitution or statute.

Now, if Congress had no power to limit or restrict, why has the Supreme Court repeatedly said that the incidental power to remove continues until it is taken away by statute. The very clear inference in all these decisions—and there are many more to which I will not take the time to refer—is that if the exact question came to that court it would have no hesitancy in saying that, as far as inferior officers are concerned, where Congress created the office, fixed the emoluments, specified the terms, provided the causes of removal—the court would say that if the Congress did all these things it could likewise provide for removal separate from the appointing power. And if we have no power to do that, then I say to you that we will not be able to create this great office that is to serve as an arm of the Congress in its efforts to save, by economy, untold millions of dollars. [Applause.]

If we allow this official to be removed by the President any time he desires, then that official in the future will not criticize the expending department any more than he has criticized it in the past, and the record is silent practically of any criticism from this source in the past. We create here an independent office that will be a real, live thing for Congress and a great improvement over the present plan. I have no hesitancy in saying that if this provision shall become a law, we will receive as much if not more substantial benefit, more economy through the fearless administration of the general accounting office than we may expect to secure through the budget itself.

But the two go together. Neither would be complete without the other. It is a system which we believe is well balanced. The President will send his estimates. They will be better considered than ever before. They will be considered not by each bureau or department by itself but by the bureau of the budget, the President's bureau, which will measure all the demands of the Government by the same yardstick.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. GOOD. Yes.

Mr. FESS. Has the gentleman discussed yet the method of removing the comptroller?

Mr. GOOD. Yes. The bill provides that he can be removed only by impeachment or by a concurrent resolution of Congress for certain causes, and in no other way.

Mr. FESS. I have been out of the Chamber and my question is suggested by Members stating that this man can not be removed. He can be removed by virtue of the provisions of the law.

Mr. GOOD. Yes. He can be removed by concurrent resolution of Congress for neglect of duty, for malfeasance in office,



for inefficiency, or for conduct involving moral turpitude, or he can be removed by impeachment, as provided for in the Constitution.

Mr. FESS. Impeachment would be somewhat tardy, but a concurrent resolution would be very expeditious and it does not need the signature of the President.

Mr. GOOD. I think a concurrent resolution removing such an official would require the signature of the President. I think there is but little question about that. Concurrent resolutions that do not require the signature of the President are those resolutions which do not have the effect of law. A concurrent resolution inviting some one to attend the House or the Senate, or something of that kind, would not require the signature of the President, but here we are creating a great office and providing for the appointment of a very important official, and we provide that he may be removed only by a concurrent resolution. Such a resolution would have to do with more than the two Houses and would require the President's signature. The Constitution provides as follows:

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and the House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

The gentleman understands the procedure in case of a bill.

Mr. FESS. Would the gentleman, then, explain the difference between a joint resolution and a concurrent resolution?

Mr. GOOD. I have not had time to look up the history of that distinction, but I will say to the gentleman that the concurrent resolutions that do not require the signature of the President are concurrent resolutions that are passed whereby we extend to some visitor, perhaps, in the United States, or some citizen of the United States, an invitation to appear before the House or the Senate to deliver an address, or to do something of that kind. They are not things that have the effect of law, such as the creation of an office or the removal of an officer. Here is a great act that we are performing. This officer is a semijudicial officer of the Government who passes on all expenditures. I can not conceive how we could construe this provision of the Constitution to mean that we could dismiss the comptroller general or the assistant comptroller general without passing a resolution that required the signature of the President.

Mr. FESS. Why do we use the word "concurrent" if the signature of the President is necessary? Why do we not provide that it shall be by resolution of Congress?

Mr. GOOD. The practice has grown up of using the term either "joint" or "concurrent" resolution. A joint resolution always requires the signature of the President. A concurrent resolution may or may not, depending on the thing that it accomplishes, but there is no well-defined distinction in the use of these two resolutions. Some concurrent resolutions have been signed by the President and some have not.

Mr. FESS. At any rate, this man can be removed by an act of Congress.

Mr. GOOD. Yes.

Mr. TEMPLE. Mr. Chairman, will the gentleman yield?

Mr. GOOD. Yes.

Mr. TEMPLE. Can there be any resolution passed by Congress that will have the effect of law without the President's signature?

Mr. GOOD. No. The gentleman is correct about that.

Mr. MONTAGUE. Mr. Chairman, will the gentleman yield?

Mr. GOOD. Yes.

Mr. MONTAGUE. Do I understand from the gentleman that the plan of appointment and removal in this bill is about the same as it was in the former bill at the last session?

Mr. GOOD. Just the same. That is, it is the same as it passed the House and as it was presented to the President when he vetoed it.

Mr. MONTAGUE. Did the gentleman's committee consider at all at this time the advisability of the removal of this officer being placed in the Supreme Court of the United States?

Mr. GOOD. There was so much objection to that when the matter came up before that it was not presented to the committee at this time.

Mr. MONTAGUE. I congratulate the gentlemen that they did not adhere to that device of removal.

Mr. GOOD. We thought that the plan we had devised before was about perfect and was entirely within our rights to legislate under the Constitution, and that there is where that power should vest if that office was to be the office we intended it should be.

Mr. MONTAGUE. The gentleman will agree with me that the House did not seem to think that the plan of removal by the Supreme Court was wise and proper?

Mr. GOOD. That matter was not submitted to the House. There was some objection, I think by the gentleman from Virginia [Mr. MONTAGUE], and at that time, when I had charge of the bill, I was so anxious that it should become a law immediately that I was willing to withdraw that provision, and as I now recall I think it was not submitted to the House.

Mr. MONTAGUE. I did not know that my objection had so much influence with the gentleman.

Mr. GOOD. It was very persuasive, I assure the gentleman.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. GOOD. Yes.

Mr. WILLIAMS. Reverting now for a moment to a statement the gentleman made in respect to expenditures for the coming fiscal year, it is possible and very probable that we will pass a soldier's bonus bill this Congress; and, if so, in all probability it will amount to at least a billion dollars. In that event would not our expenditures in the coming fiscal year amount to about \$5,000,000,000?

Mr. GOOD. I hope the gentleman will not get me started on the bonus question. I think this Congress could do nothing that would so undo all good results of budgetary legislation and all other economy measures that we have accomplished so completely as to pass bonus legislation.

Mr. WILLIAMS. If we should, and it amounted to a billion dollars, would not our expenditures amount to about \$5,000,000,000 in the coming year?

Mr. GOOD. That depends on the kind of bonus bill Congress passes. The last figures I saw with regard to the bonus were to the effect that it would cost about \$3,000,000,000 for the Army and \$1,500,000,000 for the Navy. And I think the gentleman will agree that the Treasury is in no condition at this time to stand that kind of draft and will not be for years to come.

Under the laws now on the statute books, next year we will pay out for the soldiers of the last war and prior war more than \$600,000,000, and when you stop to think of that the man who says we are doing nothing for the soldier speaks either ignorantly or maliciously, because never in all the world did a country take such good care of her soldiers as the United States is taking of the discharged soldiers of the late war. We will continue to do it, and the burden that is on us next year of more than \$600,000,000 will continue to grow, and that is one of the reasons why we must have some legislation of this kind in order that we may save wherever we can. Mr. Chairman, I reserve the balance of my time. [Applause.]

Mr. LINEBERGER. Will the gentleman yield for a question?

Mr. GOOD. I will.

Mr. LINEBERGER. Is the object, then, therefore, to pass a budget bill in order to forestall any future bonus legislation?

Mr. GOOD. The budget bill has nothing to do with bonus legislation. It will create a condition so that bonus legislation can be enacted all the quicker, but I do not see how to enact such a law now.

The CHAIRMAN. The gentleman from Iowa reserves the balance of his time, four minutes.

Mr. BYRNS of Tennessee. Mr. Chairman [applause]—

The CHAIRMAN. The gentleman from Tennessee is recognized for one hour.

Mr. BYRNS of Tennessee. Mr. Chairman, I do not believe that a more important piece of legislation has come before Congress in many years than that contained in the pending bill. I have had occasion a number of times heretofore to discuss budget legislation and it is not my purpose to enter into any general or extended discussion of it now. Members of the last Congress are entirely familiar with the provisions of the House bill, which is presented as a substitute for the Senate bill, for it differs in no important respect from the bill which was presented to the House at the last session and which passed, as I recall, by practically a unanimous vote. The Select Budget Committee at the last session held extended hearings and labored earnestly to prepare a bill which would prove workable and meet the demand for suitable budget legislation, and the Budget Committee of this Congress has carefully gone over the bill and believe that if it is enacted into law it will provide a more businesslike method of making appropriations and greater economy and efficiency in governmental expenditures.

We do not claim that the measure is perfect or that later on as it is put into practical operation it will not be found that further and perfecting amendments are necessary. No important measure can ever be said to be perfect when first passed. Perfection only comes through the process of evolution. Actual

experience must be relied on to show whether amendments are required to be added. And in this connection let me say that the final enactment of this legislation at this session will be of lasting credit to the distinguished gentleman from Iowa [Mr. Good], the chairman of the Committee on the Budget and also of the Appropriations Committee. Budget legislation has been ably advanced by many close students of Government economy and efficiency for many years, but it remained for the gentleman from Iowa, by his ability and his zeal, to lead the way and change the hope of a better and more scientific method of appropriating and expending the public money into an actual reality. And it is due him to say that to him more than any other one man, either in this or the other end of the Capitol, is due the credit for the presentation of this bill and the promise of early achievement of this long-sought legislation. We all regret that the gentleman is shortly to retire voluntarily from the Congress. His retirement will be a great loss to Congress and to the country. No one of the many great chairmen of the committee who preceded him made a greater record for economy and fidelity than has the gentleman from Iowa [applause], and this legislation, which means so much to our Government and which will be passed under his leadership, will be the crowning achievement of his highly useful legislative career.

We have reached a time, Mr. Chairman, when some relief must be given to an overtaxed and much-burdened people. There is a universal demand for economy and a reduction of taxes, which are proving disastrous not only to business in general but which are entering into the high cost of living in which we all have a part. For as the President said in his recent message, high taxes is one of the chief contributing causes to the high cost of living. It is not a party question, for both parties are pledged to the early enactment of a budget system. It was first recommended to Congress by President Taft, in the closing years of his administration, and was repeatedly urged by President Wilson and also by President Harding in his recent message. Before the late war Government expenditures had steadily increased year by year, due to the creation of new activities and other causes, until in 1916 the cost of Government was something over \$1,100,000,000.

The war came on with all of its tremendous sacrifices and expenditures, leaving behind it a public debt of more than \$24,000,000,000 with interest charges and sinking fund requirements of more than one million and a quarter of dollars annually. And despite all that has been or may be said, I predict that at the present rate of expenditures the total cost of government for the next fiscal year, three years after the signing of the armistice, will amount to more than \$4,500,000,000.

I know in making this statement I am taking issue somewhat with the distinguished gentleman from Iowa, the chairman of the Committee on Appropriations, but as I look over the appropriations that have already been made for the next fiscal year, the reappropriations which are carried in the various bills of appropriations which have been passed for the next fiscal year, and the new commitments which have been made by the Congress, I believe that it can be safely said that at the end of the next fiscal year it will be found that the expenditures of this Government amount to at least \$4,500,000,000 unless the Congress does something it has not done heretofore and cease making new commitments entailing additional burdens upon the Treasury. And let me say that expenditures are not going to be reduced to any considerable extent in the future unless a more efficient and businesslike method is adopted of submitting estimates from the departments—one which will serve to fix a definite and direct responsibility on the Executive for the size and character of the requests for appropriations which are made to Congress. On account of the lax methods prevailing in the executive departments where the bureau chief usually makes up the estimates for the ensuing fiscal year for his own bureau and they are transmitted to Congress with little or no consideration or revision on the part of the Cabinet head of the department or the Executive, large and unnecessary amounts are frequently asked of Congress, which must act upon them with such information as it can secure through the hearings of witnesses who appear to boost and not to diminish the estimates. Every bureau chief, if he is worth his salt, is enthusiastic over his particular work and therefore inclined to exaggerate his importance when compared with other governmental activities, and hence Congress is frequently compelled to act in the dark on estimates which it knows perfectly well are too high. Then, too, the desire of departments to increase their importance and extend their jurisdiction has resulted in gradual encroachment on the work of other departments until duplications have grown up, which if cut out would save many millions of dollars annually. This tendency to duplicate work was increased by the old rule which permitted different committees

to submit appropriation bills for different departments. Under the new rule placing all appropriations in one committee, duplications will be more easily discovered and done away with.

The Senate bill which is before us, and for which it is proposed to substitute the House bill, differs, as has been explained, principally in the fact that it places the jurisdiction of the budget bureau under the Secretary of the Treasury rather than under the President of the United States, and, for my part, I believe that if that provision of the Senate bill is enacted, that one of the two principal and best features of a budget law will be lost, because I believe that the President of the United States, who is directly responsible to the people, should be held responsible for the estimates submitted to the Congress. I believe that this budget bureau should be placed under him and this responsibility be placed upon him rather than a member of his Cabinet, who is appointive and who is not directly responsible to the people in any way. In addition to what has been stated, if this jurisdiction is placed in the Secretary of the Treasury and the Secretary of the Treasury is called upon to revise and reduce the estimates submitted by his fellow Cabinet members, you will have one of two results: If a difference arises between the Secretary of the Treasury and a Cabinet member, who is desirous of some large appropriation for some particular purpose, either the Secretary of the Treasury will yield his better judgment to the views of his fellow Cabinet member or you will provoke an antagonism in the Cabinet which will not be for the best interest of the whole Government. It seems to me highly important to place the jurisdiction and responsibility for sending the estimates to the Congress in the last instance with the President of the United States, who is directly responsible to the people and who will labor under no embarrassment in overruling the decisions of his Cabinet members.

The pending bill provides a bureau with a well-paid and competent force to advise the President and furnish him with information concerning the amount of money needed during the ensuing fiscal year. In this way he will be able to secure such information concerning the appropriations which are being asked for by the various departments as will enable him to revise and reduce them before they are actually transmitted to Congress. He has that power now, but he has not the force or machinery necessary to enable him to perform this service, so essential to proper economy. If given this force, the people will hold him strictly responsible for estimates forwarded to Congress, and if they are too large or extravagant, he can not escape criticism and condemnation at their hands. We can expect, therefore, that the estimates will come forward in the first instance greatly reduced from what they would have otherwise been, and Congress will no doubt continue to pursue its present policy and further reduce them. In addition to this, it provides for the transmission of estimates of anticipated revenues along with the estimates for expenditures, and Congress will get away from the old unbusinesslike method of making appropriations without regard to revenues and then passing the necessary tax laws to raise the revenue required to meet the expenditures.

Mr. HUDSPETH. Will the gentleman yield?

Mr. BYRNS of Tennessee. Yes; I will yield.

Mr. HUDSPETH. As I understand my friend, he seems to be in favor of the President having the removal of this official under this bill?

Mr. BYRNS of Tennessee. No; on the contrary I am very much opposed to the President having the removal of the comptroller general to whom I presume the gentleman refers.

Mr. HUDSPETH. Yes.

Mr. BYRNS of Tennessee. I think that the power of controlling the expenditures should be under the Congress and under the Congress alone, and we can only secure that independent control of the appropriations made by the Congress by having an official who is directly responsible to the Congress and not responsible to the Executive for his tenure in office, and further than that—

Mr. HUDSPETH. I agree with my friend, but I fear that a part of the House—at least I, myself—misunderstood the gentleman's attitude a few moments ago.

Mr. BYRNS of Tennessee. Well, I am glad to set the gentleman right. The wonder of it is that a budget system was not passed 50 years ago. No private business could possibly survive if it followed the loose business methods of our Government, nor could our Government have escaped bankruptcy if it had not had an unlimited fund upon which to draw in the way of taxes upon the people.

This bill also provides for a direct control and audit of expenditures by the Congress rather than by the Executive. Heretofore each department has audited its own expenditures



through an auditor appointed by the executive for that department. We thus have the anomaly of the executive departments auditing their own expenditures. Such a practice is as foolish as it would be for a bank to permit its cashier to audit his own accounts. Let me say to the gentleman from Texas that under this bill the comptroller general, who must be appointed by the President and confirmed by the Senate, will audit the accounts and expenditures and make his report direct to Congress, and also advise Congress as to whether or not money appropriated by it is being expended for the purposes for which it was appropriated. And to relieve him from any possible duress or intimidation on the part of any executive head, he is to be appointed during good behavior and until he reaches the age of 70 years and can only be removed by a direct vote of Congress.

Mr. Chairman, I believe that a budget law will make for better economy and efficiency in public expenditures. It will make the Executive as well as the Congress directly responsible to the people for the size of the appropriations. If administered in the proper spirit, it can not help but bring about a great saving to the people and a reduction in expenditures, which, from the experience of this and the preceding year, it is quite evident will not take place to any great degree without it. And I wish to repeat in closing that in my judgment Congress can enact no more important legislation and render no greater service to the people than by passing a budget law, and I trust that this bill will pass without a dissenting vote. [Applause.]

Mr. Chairman, I will yield 10 minutes to the gentleman from Alabama [Mr. BANKHEAD]. How much time have I used, may I ask?

The CHAIRMAN. The gentleman has used 16 minutes.

Mr. BANKHEAD. Mr. Chairman and gentlemen of the committee, it seems to me if there is any one proposition upon which all Members of the House seem to have agreed—and I am sure it does meet with the concurrence of the desires of the taxpayers of the country—it is that if it is possible to do so, we should inaugurate a governmental system regulating the business affairs of our Government that will have a tendency to cut out a great deal of the unnecessary extravagance, duplications, and overlapping in the public services. As the gentleman from Tennessee [Mr. BYRNS] has said in his remarks, I am glad that the bill which is now presented for the consideration of the House does not present any possible partisan consideration. I am glad that the Select Committee on the Budget, after very long and careful examination, has agreed unanimously as to the wisdom of this bill and that it has been submitted for the consideration of the House by a unanimous vote of the Select Committee on the Budget. It may be that some Members on my side of the House may still seek to raise the objection raised by the President of the United States on June 4 last, when he vetoed the bill which had been passed by the House and Senate. It seems to me that at most that was a very doubtful question of constitutional construction. In view of the absolute urgency of some budgetary law to meet this demand for economy and saving in public expenditures it even seems to me that gentlemen who may have voted to sustain the President's veto in June last might see fit to waive that technical constitutional objection.

Personally I did not agree with the position taken by the President. This office of comptroller general which we are seeking to establish is not a constitutional one. It is clearly within the jurisdiction and province of the Congress to establish an office of this character, and it may be that without any constitutional restraint Congress itself could name the official to administer the law. But be that as it may, it is a safe provision to allow this man who is to perform the great duties of comptroller general to be absolutely free and independent of any restraint by Executive interference. If he is to exercise the functions of that office independently, if he is to carry out the will of Congress as proposed in this House bill, and protect the Treasury and interest of the taxpayers, he should be free and untrammelled from any sort of interference from any source.

There is one feature of the House bill, gentlemen, that has been argued by both the gentleman from Iowa [Mr. GOON] and the gentleman from Tennessee [Mr. BYRNS] that makes it essentially a very different bill from that which was passed by the Senate, and that was the feature as provided in the House bill that the budget system shall be directly under the control and government of the President of the United States, instead of under the control of the Secretary of the Treasury, as provided in the Senate bill. That, I think, presents a fundamental difference between these two bills. The House committee is unanimous upon the proposition that our bill is a much wiser one upon that feature of the case, and I sincerely trust

that the conferees upon the part of the House, when this bill shall go to conference, as it will, will insist until the last upon our provision and will not yield to the Senate's insistence that we should put the budget under the control of the Secretary of the Treasury instead of under the control and responsibility of the President of the United States, where, in our judgment, it should be.

I do not know what is going on in the party councils of the majority on this question. It seems to me that it is a rather complicated question from that standpoint. A statement was made by one in authority upon the floor of the Senate when this bill was up for discussion, that the Senate bill on that aspect of the case met with the concurrence of the President of the United States. I trust that is inaccurate information, for, in my judgment, gentlemen, if this budget system is to prove the success we hope to make it, I regard it absolutely essential that the President of the United States shall be primarily responsible for its execution and directly responsible to the people of the United States for the performance of that great duty.

I think that there is a possibility in this bill of accomplishing great reforms in the public expense. I believe that the joint committee that we appointed a few days ago, if it will carry out with courage and with determination the purpose for which it was appointed, will, at least for the immediate present, be able to accomplish more real economies than will the operation of the budget bill. Under the present system of administering the affairs of the Government, harking back to the proposition of this matter being under the control of the Secretary of the Treasury, under the existing law the Secretary of the Treasury has to make up all of the estimates in his Book of Estimates and submit to the Congress of the United States. Under the Senate bill he would still be largely clothed with that power, and unless we strip all of the Cabinet officers of any responsibility in this matter and leave it absolutely to the President of the United States, the human equation, gentlemen, is inevitably going to enter into the preparation of this budget.

I realize, of course, the close relations, the intimate relations, that exist between the President of the United States and the Members of his Cabinet, and it is a very hard matter for a President, however strong and resolute a man he may be, to resist the personal importunities of a Cabinet officer with reference to the enlargement of the activities of his bureau or for increase of the amount of estimates proposed to be expended under some particular Cabinet officer. But if we adopt the House bill and place the sole control and authority for this budget system directly and solely under the Chief Executive, he will then be in a position to say, and even to the members of his Cabinet, "Gentlemen, here the Congress of the United States in its anxiety to adopt a new system of retrenchment and economy has made me entirely responsible for the execution of this scheme and I propose to exercise that upon the report of the bureau of the budget, which has made an independent examination of the fiscal situation of the Government. Under the law they are directed to furnish me with the estimates of revenues and of necessary expenditures. I have the benefit of the advice of the budget bureau as provided by this bill, and I propose to administer it without any assistance or importunities even from members of my own official household."

Gentlemen, I think that the vital question that this Congress has got to determine upon this budget system is a decision between the Senate bill, on the question of putting it under the Treasury Department, and the House bill as we have unanimously reported it, in favor of putting it under the control of the President of the United States. The merits of the bill have been well argued by gentlemen who have preceded me. I have not had very long service as a member of this Budget Committee, but I desire to congratulate the other members of the committee for the very exhaustive examination they have made of this subject. If you will read the hearings, or if you have read the hearings, you will see that they have examined men from all stations of life who might probably throw light upon this great question and who might give intelligent and helpful advice to the Congress of the United States touching it; and I think this committee has prepared an excellent bill, as good a bill as could be prepared under the circumstances, with the conflicting views that obtain upon it. And I trust the House of Representatives will adhere to the House bill and insist upon its passage in substantially the same form as that in which it is now presented to this body. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. MANSFIELD].

Mr. MANSFIELD. Mr. Chairman, I ask that the Clerk read in my time a brief press dispatch clipped from the Galveston News.

The Clerk read as follows:

FLAT CARS EARN REVENUE OF \$350 PER DAY EACH.  
(Special to the News.)

PALESTINE, TEX., April 27.

The Michigan-Texas Oil Co. received two cars of drilling machinery to-day to enable them to deepen their well at Jarvis. This is the heaviest rig ever shipped to this section, capable of drilling 5,000 feet.

The rig was shipped from a point 40 miles east of Shreveport, and the freight on the two cars amounted to nearly \$1,400. Only a few years ago a similar shipment would have cost less than \$300. Two flat cars, two days on the road, producing a revenue of \$350 per day for each car has caused a great deal of comment here.

Mr. MANSFIELD. Mr. Chairman and gentlemen of the committee, I will state that when this budget bill was before the Congress it was my judgment at that time that it should be enacted. So believing, I voted for it, and after it had been vetoed by the President I voted to carry the measure over his veto. I know of no fact or circumstance that has since occurred that would cause me to change my mind upon the question, notwithstanding I have great regard for the judgment of the President who then vetoed the measure.

I believe, gentlemen, that three of the greatest needs appealing to the Congress to-day are, first, a reduction of the expenses of the departments of the Government; second, reduction in armament and the cost of the Army and the Navy; third, a very material reduction in railroad rates, the necessity for which will be seen from the press dispatch which has just been read. [Applause.]

Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. The gentleman from Texas yields back the remainder of his time.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield five minutes to the gentleman from Mississippi [Mr. Sisson].

The CHAIRMAN. The gentleman from Mississippi is recognized for five minutes.

Mr. Sisson. Mr. Chairman, I was greatly disappointed in the last session of Congress when this bill received the presidential veto. I did not believe then and I do not believe now that the grounds upon which the President vetoed the bill were tenable at all. Of course, no man can tell just what the Supreme Court is going to do with any matter that has never been before the court before.

Mr. Gladstone did a great many things for which the people of England loved him, but he did not do anything which he himself thought was of more benefit to the English people than when he secured a budget system for the English Government. That was quite a reformation, and was one of the measures which Mr. Gladstone always pointed to with pride.

In my judgment, this piece of legislation, if properly handled and properly administered, will result in more real good, so far as business administration is concerned, than any bill that you could pass.

I quite agree with the gentleman from Tennessee [Mr. BYRNS] when he said that no important piece of legislation is ever perfect, as a rule, when first enacted into law. Experience alone will determine whether it is just exactly what we expect or not. But the general fundamental principle that underlies this bill is sound, and that is that the body that appropriates the money shall have something to do with the expenditure of the money.

Now, under the present system we appropriate vast sums of money, but after the appropriations leave Congress the only safeguards that we have around these appropriations as to the manner of their expenditure are some very complicated laws for the purpose of preventing embezzlement. On the other hand the English Government undertakes by their system—which perhaps is more extensive and a better system than this will be immediately—not only to check up all the expenditures and formulate the budget, which is the basis of the legislation in relation to appropriations, but the English system follows up the expenditure of the money and sees to it that the money is expended for the purpose for which it is appropriated and is expended in the manner that is satisfactory to those who appropriated it.

Now, under this system it becomes the peculiar duty of the President of the United States to make up the estimates for submission to Congress, and after the budget shall have been passed it becomes his peculiar duty also to see that the law is carried out in good faith. But the real strength of the bill lies in the fact that the office of the Comptroller of the Treasury having been abolished, the director general provided for in this bill is not responsible to any Cabinet officer, is not responsible even to the President of the United States in his responsibility in office, but his tenure depends upon removal by an act of Congress. Therefore it would be supremely his duty to see that the law is properly administered, to see that the proper econo-

mies are practiced. He would have no dread and no fear of any Cabinet officer, and no fear of the President of the United States, who is the head of the Cabinet, and there would be absolutely no differences, I imagine, between the President and the director general, because, in the first instance, the director general is to be selected by the President of the United States, and if he is selected properly and the President chooses a man of recognized ability, in my judgment, the President of the United States will soon be working in harmony with this individual, because the Congress of the United States will have virtual control of this appointment, and—

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. Sisson. I would like half a minute in which to finish this sentence.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield the gentleman two minutes more.

The CHAIRMAN. The gentleman from Mississippi is recognized for two minutes more.

Mr. Sisson. The Congress of the United States will have absolute control of the man's destiny in office. The result will be, in my judgment, that, becoming independent, he will necessarily take great pride, if he is a man of character, in administering the laws in such manner that the people of the country will find cause to praise what he has done. That, as a general rule, is the motive power that prompts all good men to do their duty; a man wants not only the approval of his own conscience for having done right, but he wants the approval of his fellows. Under the present system the only man who has been independent or who has exercised any independence has been the Comptroller of the Treasury, and even he is a man whose destiny in office is dependent on the Treasury Department. But as to the Comptroller of the Treasury, I have not heard of anyone reflecting on his honesty or his integrity, and he has no control over the expenditure of the public money, except to see that the expenditure is for the purpose for which the money is appropriated. But under this new system the director general of the budget has not only a great deal to do with the making of this budget, but he also sends the budget to Congress, and after it is passed it is his duty to see that the executive departments expend the money for the purposes for which Congress has appropriated it and to see that it is economically and wisely expended. It goes to a great extent toward establishing control by him, which has brought about such economies in the conduct of the English Government.

The CHAIRMAN. The time of the gentleman from Mississippi has again expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield 10 minutes to the gentleman from Arizona [Mr. HAYDEN].

The CHAIRMAN. The gentleman from Arizona is recognized for 10 minutes.

Mr. HAYDEN. Mr. Chairman, the supreme virtue of this bill is that it compels the Executive to consider revenues in connection with expenditures. Heretofore when the heads of departments wanted money for what appeared to them to be a good purpose they submitted estimates to Congress, with little or no consideration of the amount of money in the Treasury or with what difficulty the sums to be expended were to be raised from the pockets of the American taxpayers. If the enactment of this legislation results in nothing more than a better organized and better justified series of estimates, this bill is worthy of our support. The mere fact that under its terms those who have no direct interest in expenditures are given authority to criticize and revise the requests for appropriations made by the various departments should result in some economy in the administration of the Government. But no one who stops to think will say that having required the President to state the probable national income and to recommend the items of disbursement we should stop with that and call the reform completed. This bill is a step in the right direction, but it is only the first step.

Let us inquire what will happen to the executive budget when it comes to Congress. Will it be referred for consideration and action to committees of the House and Senate that are authorized under the rules to consider both revenues and expenditures? Such will not be the fact. Until the last session of Congress there were eight appropriating committees in the House whose duty it was to report bills for the support of the various activities of the Government. Chief among these was the Committee on Appropriations, and then the Committees on Agriculture, Military Affairs, Naval Affairs, Foreign Affairs, the Post Office and Post Roads, Rivers and Harbors, and Indian Affairs.

Originally there was but one committee which had full authority to consider both revenues and expenditures. From the beginning of the Government of the United States until 1865 the Committee on Ways and Means of the House of Representa-



tives had complete and original jurisdiction of bills providing for the money to be raised by taxation and of bills allotting the money to be expended by appropriations. During the Civil War, under the plea that the pressure of public business required it, the duties of that committee were divided and a new Committee on Appropriations was created, and thereafter questions of revenue and expenditure have been separately considered in this House by different bodies of the membership.

In 1880 jurisdiction over appropriation bills relating to the Department of Agriculture was taken from the Committee on Appropriations. Jurisdiction over appropriations for the Army, the Navy, Indian affairs, the Diplomatic and Consular Service, the Post Office Department, and rivers and harbors was given to separate committees in 1885. The reasons for this revolution in the procedure of the House I have not the time to discuss, but the Committee on Appropriations was shorn of a large part of its power, just as it will be again if the great majority of the Members, who do not belong to that committee, are given similar provocation.

In the last Congress a rule was adopted which consolidated all the authority to report appropriation bills in one committee. To accomplish this reversal to the procedure of the House which was in effect between 1865 and 1880 the persuasive argument was made that we were to have an executive budget which could best be considered, as a whole, by the Committee on Appropriations. Such reasoning, in my opinion, is unsound because when the budget comes to the House from the President it will be referred to a committee which considers merely expenditures and not revenues. If we are to seek economy by such a method the logical way to proceed is to also abolish the Committee on Appropriations and return completely to the plan devised by those who founded this Government and have but one committee to consider the entire scope of the budget, the Committee on Ways and Means.

When the budget has been considered by the House it will go to another body and there be divided up among various appropriating committees, similar to the method recently in vogue in this House. It is true that in that body they have some mild rules, but senatorial courtesy prevails and consequently the rules are very rarely enforced. Any item of expenditure that it may please the Senate to add, or that may be desired by any aggressive Member of that body, is easily included in the appropriation bills. Economy, which is the sole purpose for having a budget, will quickly be forgotten and the Senators will "bring home the bacon."

All the powers of this Government are divided between the executive, legislative, and judicial branches, and one branch of the Government can not interfere with the powers of another. That is why we are now creating an executive budget.

Let us also have a legislative budget. Let there be a committee on the budget, a joint committee of the House and Senate, and let its findings be binding upon both bodies. It is only by the creation of such a committee that there can be any real reduction in governmental expenditures. This House may sincerely attempt to practice economy and reduce expenditures by consolidating the authority to make appropriations into one committee, but when the appropriation bills go over to another body where legislation involving heavy commitments may be added, where items of appropriation may be indefinitely increased, without any regard for the President's budget except its mere moral effect, the actual results are sure to be most disappointing.

It is unfair to complain without offering a remedy, and therefore I propose the creation of a joint committee on the budget made up of members of the committees in the House and the committees in the Senate that have directly to do with the activities for the several departments of the Government. The budget as it comes from the President should be referred to that committee, and let the joint committee report a concurrent resolution to the House and the Senate, fixing the total amount to be appropriated during the ensuing fiscal year for the Army, for the Navy, for Indian affairs, for the sundry civil expenses of the Government, and so on. There could then be no possible danger in referring appropriate items of the budget to the committees of the House and Senate that know best how to appropriate for these various activities of the Government. The committees should not have authority to report bills in excess of the total amount allotted for a particular purpose.

For instance, if it is determined by the Senate and House that \$500,000,000 shall be allotted to the War Department for the next fiscal year, in my judgment the Committees on Military Affairs of the House and Senate are better qualified to allocate that sum of money properly among the various activities of the War Department than a subcommittee composed of five members of the Committee on Appropriations. If such a

plan is not adopted, when the Army bill goes over to the Senate it will be referred to the members of the Committee on Military Affairs of that body, with no limit but the sky to restrain them. But where the House and the Senate have in advance agreed upon a fixed sum to be expended during the next fiscal year for the support of the Army, and when it is not allowable for the House Committee on Military Affairs to report out a bill carrying more than that amount, or for an amendment to be adopted on the floor of the House to increase the sums carried in the bill above that amount, then when the bill went to the Senate that body could not add to the total agreed upon by the two Houses in a concurrent resolution. We would by this means reach the practical result that the only way that changes could be made would be to take out of one part of the bill that which had been proposed for one purpose and transfer a like sum to another item in the bill.

The adoption of such a plan would result in a real legislative budget. Until that is done all of the talk about the beneficial effect that is to come from the enactment of budgetary legislation will amount to nothing more than talk. The executive budget can have nothing but a moral effect upon the House and Senate, for it will have no binding force whatever. There will be no agreement that the appropriations shall be limited to the amount estimated by the President. There will be no agreement that when an appropriation bill passes the House the Senate shall be in any way restrained in adding to the sums of money which are to be appropriated.

Now is the opportune time to make the reform complete. The first step has been taken. We are enacting a bill to provide for what we all believe to be an excellent executive budget system. Let us proceed to consider a legislative budget plan that will further materially reduce the expenditures of the Government by compelling those in authority in the House and the Senate to get together and consider revenues and expenditures at the same time. We can then say, "Having so much money as the total income of the Government, we can afford to allot only so much to this activity and only so much to that." Otherwise, each subcommittee of the Committee on Appropriations, or each committee of the Senate, as the case may be, will seek to secure all that they can for the particular branch of the Government in which they are interested. Instead of looking at the problem as a whole through a complete estimate of the revenues and expenditures, we merely sit here as sharpshooters attacking individual items in appropriation bills. Nobody considers the subject in its entirety. No report is made to the American people, which they can consider and discuss prior to the enactment of legislation by Congress.

It is true that the chairman of the Committee on Appropriations at the end of a session will report that so much money has been expended, and the chairman of the Committee on Ways and Means will estimate what the revenue will be from some bill which he has reported to the House. But they do not work together, and no such estimate is made before the money is appropriated. Let us devise some scheme whereby we can consider the business of the Government as a whole, as any business man would do, who first ascertains the total amount of his income and then decides how to expend his money.

I offer these suggestions for the consideration of the House, because I believe that the American people can not long be deluded into the belief that Congress is making any substantial reduction in expenditures by the adoption of an executive budget without placing the slightest control over the House and Senate in appropriating the money of the people of the United States. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAYDEN. With the permission of the committee I shall print in the RECORD two resolutions that I have to-day introduced, which, if adopted, will carry into effect the ideas that I have just submitted.

The resolutions are as follows:

*Resolved by the House of Representatives (the Senate concurring).* That there shall be a Joint Committee on the Budget consisting of 21 Members of the Senate and 21 Members of the House of Representatives, to which shall be referred the budget and all other estimates of expenditures and appropriations when transmitted to Congress.

SEC. 2. That the Joint Committee on the Budget shall have power to report concurrent resolutions fixing the total sums which may be appropriated during the then session of Congress for the following purposes: The Military Establishment; the naval service; the service of the Post Office Department; the service of the Department of Agriculture; the Diplomatic and Consular Service; the Indian Service; the expenses of the government of the District of Columbia; the payment of pensions; the construction, repair, and preservation of public works; the legislative, executive, and judicial expenses of the Government; the sundry civil expenses of the Government; to supply deficiencies in appropriations; and for all other purposes.

SEC. 3. That when any such concurrent resolution has been adopted by the Senate and the House of Representatives, the total sum appropriated for any of the above-named purposes for any fiscal year shall not

exceed the amounts as thus fixed unless the Senate and House of Representatives shall otherwise order by a concurrent resolution reported from the Joint Committee on the Budget.

*Resolved*, That House resolution 324, adopted on June 1, 1920, is hereby repealed and the rules of the House of Representatives shall be as they were prior to the adoption of said resolution.

SEC. 2. That upon the adoption of a concurrent resolution fixing the several maximum sums that may be appropriated for the support of the various activities of the Government during the then session of Congress, the several items of the budget or other estimates of expenditures and appropriations shall be referred to the committees having jurisdiction thereof. No committee shall report appropriations in excess of the maximum sum authorized by such concurrent resolution, and no amendment shall be in order the effect of which would be to cause such maximum sum to be exceeded unless such amendment shall also provide for the reduction of another item or items of appropriation to an extent that such maximum sum will not be exceeded.

Mr. BYRNS of Tennessee. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. Fifteen minutes.

Mr. BYRNS of Tennessee. I yield 10 minutes to the gentleman from Texas [Mr. CONNALLY].

Mr. CONNALLY of Texas. Mr. Chairman, when this bill was presented in the Sixty-sixth Congress, I, like many other Members of the House, was favorable to the measure and supported it. When the President vetoed the act on the ground that it was unconstitutional in that the power of removal of officers therein created was denied to the President and conferred on Congress, I made such hasty examination of the question as time permitted and voted to sustain the veto. A somewhat closer study of the precedents and authorities has confirmed me in the belief that that part of the bill ought to be amended so as to remove any probable constitutional objections that might in the future hamper its successful operation.

The gentleman from Iowa in discussing the bill took up the constitutional phase of the question and cited a number of court decisions, holding in his hand a brief, prepared like most briefs, to support the particular side of the case in which the gentleman who prepared it was interested.

Let me direct the attention of the committee to the language in section 303 of the bill:

SEC. 303. The comptroller general and the assistant comptroller general shall hold office during good behavior, but may be removed at any time by concurrent resolution of Congress after notice and hearing, when, in their judgment, the comptroller general or assistant comptroller general has been inefficient, or guilty of neglect of duty, or of malfeasance in office, or of any felony or conduct involving moral turpitude, and for no other cause and in no other manner except by impeachment. Any comptroller general or assistant comptroller general removed in the manner herein provided shall be ineligible for reappointment to that office. When a comptroller general or assistant comptroller general attains the age of 70 years, he shall be retired from his office.

It will be noted that not only is removal of any kind denied to the President, but Congress, in addition to removal by impeachment, invests itself with the power of removal by resolution.

Gentlemen of the committee will recall that Article II, section 1, of the Constitution provides:

SECTION 1. The executive power shall be vested in a President of the United States of America. \* \* \*

Article II, section 2, contains the following:

And he shall nominate and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

Mr. Chairman and gentlemen, the question as to where under the Constitution the power of removal from executive offices rests is not a new one. It has heretofore frequently been the subject of debate. It was, perhaps, first raised in Congress on June 16, 1789, when the Constitution was still young. On that date there was pending in the House of Representatives a bill to establish an executive department to be denominated the department of foreign affairs.

Among the provisions of the bill was one as follows: "To be removable from office by the President of the United States." A motion was made to strike out this language upon the theory that, since the secretary, the head of the department being created, was to be appointed by the President, "by and with the advice and consent of the Senate," the power of removal being inherent in the appointing power should rest with the President and the Senate. There were only two theories advanced that obtained any following. One was that the President by reason of the possession of the appointive and executive power thereby had the power to remove officers. The other contention was that since the appointment was in the President, "by and

with the advice and consent of the Senate," to remove an officer the President must have the concurrence of the Senate.

Indeed, it was contended by the gentleman from South Carolina, Mr. Smith, that there was no method of removal than by impeachment. After a long and learned debate the House of Representatives upheld the view maintained so ably by Mr. Madison, that the executive power conferred in Article II, section 1, of the Constitution, together with the appointing or nominating power, vested the power in the President to remove an executive officer.

I shall not go into details with relation to the debate, but with the permission of the House shall place a portion of the debate in the Record. Many distinguished men, some of whom had sat in the Constitutional Convention, took an active part. Messrs. Sherman, White, Gerry, Page, and Livermore (N. H.) contended with much force and learning that the power of removal under the Constitution rested in the Senate and the President, as did the power of appointment.

Mr. Sherman, among other things, urged the following:

I consider it as an established principle that the power which appoints can also remove, unless there are express exceptions made. Now, the power which appoints the judges can not displace them, because there is a constitutional restriction in their favor; otherwise, the President, by and with the advice and consent of the Senate, being the power which appointed them, would be sufficient to remove them. This is the construction in England, where the King had the power of appointing judges; it was declared to be during pleasure, and they might be removed when the monarch thought proper. It is a general principle in law, as well as reason, that there should be the same authority to remove as to establish. It is so in legislation, where the several branches whose concurrence was necessary to pass a law, must concur in repealing it. Just so I take it to be in cases of appointment; and the President alone may remove when he alone appoints, as in the case of inferior officers to be established by law.

Mr. Elbridge Gerry in an exhaustive argument observed:

The second question which I propose to examine is to whom the power of removal is committed. The gentlemen in favor of this clause have not shown that, if the construction that the power vests in the President and Senate is admitted, it will be an improper construction. I call on gentlemen to point out the impropriety, if they discover any. To me it appears to preserve the unity of the several clauses of the Constitution, while their construction produces a clashing of powers and renders of none effect some powers the Senate by express grants possesses. What becomes of their power of appointing when the President can remove at discretion? Their power of judging is rendered vain by the President's dismissal, for the power of judging implies the power of dismissing, which will be totally insignificant in its operation, if the President can immediately dismiss an officer whom they have judged and declared innocent.

The other contention that removal belonged to the President was urged with great ability and much learning by Madison, Sedgwick, Ames, Clymer, Benson, Boudinot, Hartley, and others.

Mr. Ames in urging the necessity that the power of removal should vest in the President expressed himself as follows:

But in order that he may be responsible to his country he must have a choice in selecting his assistants, a control over them, with power to remove them when he finds the qualifications which induced their appointment cease to exist.

He further, in support of the view that the power of removal of executive officers resided in the President, said:

But it will, I say, be admitted that an officer may be removed. The question then is, By whom? Some gentlemen say by the President alone, and others by the President by and with the advice of the Senate. By the advocates of the latter mode it is alleged that the Constitution is in the way of the power of removal being by the President alone. If this is absolutely the case, there is an end to all further inquiry. But before we suffer this to be considered an insuperable impediment we ought to be clear that the Constitution prohibits him the exercise of what, on a first view, appears to be a power incident to the executive branch of the Government. The gentleman from Virginia [Mr. Madison] has made so many observations to evince the constitutionality of the clause that it is unnecessary to go over the ground again.

The reasons supporting such a view were pointed out by Mr. Sedgwick, as follows:

It has been said that there is danger of this power being abused if exercised by one man. Certainly the danger is as great with respect to the Senate, who are assembled from various parts of the continent, with different impressions and opinions. It appears to me that such a body is more likely to misuse this power than the man whom the united voice of America calls to the presidential chair. As the nature of the Government requires the power of removal, I think it is to be exercised in this way by a hand capable of exerting itself with effect, and the power must be conferred on the President by the Constitution as the executive officer of the Government.

However, perhaps the most exhaustive and illuminating exposition of the principles governing the construction of the Constitution was made by Mr. Madison, who had sat in the Constitutional Convention and who perhaps had had a larger share in its making and had given greater attention to the debates and proceedings of the convention than any other one man. With great clearness he discussed the question as to whether the power of removal belonged to the Government, but had been left in an uncertain state by the Constitution as to where it rested, as well as the propriety in such a case of the Congress



undertaking to exercise the power whose lodgment had thus been rendered uncertain.

Among the propositions laid down by Mr. Madison were the following:

The Constitution affirms that the executive power shall be vested in the President. Are there exceptions to this proposition? Yes; there are. The Constitution says that, in appointing to office, the Senate shall be associated with the President, unless in the case of inferior officers, when the law shall otherwise direct. Have we a right to extend this exception? I believe not. If the Constitution has invested all executive power in the President, I venture to assert that the legislature has no right to diminish or modify his executive authority.

The question now resolves itself into this: Is the power of displacing an executive power? I conceive that, if any power whatsoever is in its nature executive, it is the power of appointing, overseeing, and controlling those who execute the laws. If the Constitution had not qualified the power of the President in appointing to office by associating the Senate with him in that business, would it not be clear that he would have the right, by virtue of his executive power, to make such appointments? Should we be authorized, in defiance of that clause in the Constitution, "The executive power shall be vested in a President," to unite the Senate with the President in the appointment to office? I conceive not. If it is admitted we should not be authorized to do this, I think it may be disputed whether we have a right to associate them in removing persons from office, the one power being as much of an executive nature as the other; and the first only is authorized by being excepted out of the general rule established by the Constitution in these words, "The executive power shall be vested in the President."

The judicial power is vested in a Supreme Court; but will gentlemen say the judicial power can be placed elsewhere unless the Constitution has made an exception? The Constitution justifies the Senate in exercising a judiciary power in determining on impeachments. But can the judicial powers be further blended with the powers of that body? They can not. I therefore say it is incontrovertible, if neither the legislative nor judicial powers are subjected to qualifications other than those demanded by the Constitution, that the executive powers are equally unabatable as either of the other; and inasmuch as the power of removal is of an executive nature and not affected by any constitutional exception it is beyond the reach of the legislative body.

To an able argument by Roger Sherman, Mr. Madison replied:

The gentleman from Connecticut [Mr. Sherman] has advanced a doctrine which was not touched upon before. He seems to think—if I understood him right—that the power of displacing from office is subject to legislative discretion, because, it having a right to create, it may limit or modify, as is thought proper. I shall not say but at first view this doctrine may seem to have some plausibility. But when I consider that the Constitution clearly intended to maintain a marked distinction between the legislative, executive, and judicial powers of government, and when I consider that, if the legislature has a power such as contended for, they may subject and transfer at discretion powers from one department of government to another; they may, on that principle, exclude the President altogether from exercising any authority in the removal of officers; they may give it to the Senate alone or the President and Senate combined; they may vest it in the whole Congress, or they may reserve it to be exercised by this House. When I consider the consequences of this doctrine and compare them with the true principles of the Constitution I own that I can not subscribe to it.

In further refuting the view urged by those holding a contrary view he said:

But there is another part of the Constitution which inclines, in my judgment, to favor the construction I put upon it: the President is required to take care that the laws be faithfully executed. If the duty to see the laws faithfully executed be required at the hands of the Executive magistrate, it would seem that it was generally intended he should have that species of power which is necessary to accomplish that end.

Now, if the officer, when once appointed, is not to depend upon the President for his official existence, but upon a distinct body—for where there are two negatives required either can prevent the removal—I confess I do not see how the President can take care that the laws be faithfully executed. \* \* \* If the President should possess alone the power of removal from office, those who are employed in the execution of the law will be in their proper situation and the chain of dependence be preserved; the lowest officer, the middle grade, and the highest will depend, as they ought, on the President, and the President on the community. \* \* \* My conclusion from these reflections is that it will be constitutional to retain the clause; that it expresses the meaning of the Constitution as it must be established by fair construction, and a construction which, upon the whole, not only consists with liberty but is more favorable to it than any one of the interpretations that have been proposed.

Mr. Gerry, though holding to the view that the power of removal was vested in the President and the Senate, contended that the House of Representatives could have no part in the exercise of the power of removal in the following language:

It appears very clear to me that, however this power may be distributed by the Constitution, the House of Representatives have nothing to do with it. Why, then, should we interfere in the business?

Upon a final vote the language proposed to be stricken out was retained by a vote of 20 ayes to 34 nays. (Elliott's Debates, Vol. IV, p. 404.)

From that time until the present it seems to have been admitted, with practical unanimity, that in the case of "officers of the United States" other than "inferior officers" the President possessed the power of removal at will. This contention has been based upon two grounds: First, the express grant of the Constitution vesting the "executive" power in the President, and that the removal of executive officers is an exercise of an executive function; second, the doctrine that the power of removal is an incident to the power of appointment.

On the other hand, there is much authority to sustain the view that in the case of "inferior officers" created by statute

Congress may "limit or restrict the power of removal" as it deems best for the public interest.

Where is the boundary line between these two classes of officers?

The Supreme Court has defined the term "officers of the United States" in the case of *The United States v. Germaine* (99 U. S., 509, 510). Mr. Justice Miller, in delivering the opinion of the court, said:

The Constitution for purposes of appointment very clearly divides all of its officers into two classes. The primary class requires a nomination by the President and confirmation by the Senate. But foreseeing that when officers became numerous, and sudden removals necessary, this mode might be inconvenient, it was provided that in regard to officers inferior to those specially mentioned Congress might by law vest their appointment in the President alone, in the courts of law, or in the heads of departments. That all persons who can be said to hold an office under the Government about to be established under the Constitution were intended to be included within one or the other of these modes of appointment there can be but little doubt.

This doctrine was confirmed in *United States v. Mouat* (124 U. S., 307), Mr. Justice Miller again delivering the opinion of the court in the following language:

What is necessary to constitute a person an officer of the United States in any of the various branches of its service has been very fully considered by this court in *United States v. Germaine*. In that case it was distinctly pointed out that under the Constitution of the United States all its officers were appointed by the President, by and with the consent of the Senate, or by a court of law or the head of a department, and the heads of the departments were defined in that opinion to be what are now called the members of the Cabinet. Unless a person in the service of the Government, therefore, holds his place by virtue of an appointment by the President or of one of the courts of justice or heads of departments authorized to make such an appointment he is not, strictly speaking, an officer of the United States.

The comptroller general, created by the act under consideration, is invested with large powers and responsibility. He is to be a great officer of state. Section 301 of the bill provides:

SEC. 301. That there is created an establishment of the Government to be known as the general accounting office, which shall be independent of the executive departments and under the control and direction of the comptroller general of the United States.

He is to receive a salary of \$10,000. He is to hold office practically for life. He can not be removed by the President. He is independent of the executive departments. He is to be the head of "an establishment of the Government."

"Inferior" is a relative term and implies the existence of a "superior." Wherein is the comptroller general to be "inferior"? He has no "superior" in his establishment and is independent of all other departments. If inferiority exists, it can be found only in the fact that the office is the creature of an act of Congress and is inferior to its creator, or in the possibility that through fear of removal by resolution of Congress the holder of the office may make it "inferior." Unless it falls within the class denominated "inferior" all admit that the power of removal rests in the Executive. The Supreme Court has never decided the precise question because, as is said by an authority:

The point has never been squarely passed upon by the court, since Congress has never attempted to regulate the appointment to any but distinctively subordinate and inferior positions. Should it attempt to determine by law the appointment of heads of the great departments, or even of the heads of bureaus and divisions and commissions, or even of important local officers, such as revenue officers or postmasters in the larger cities, the constitutionality of the law would undoubtedly be subjected to judicial examination. (Willoughby on the Constitution, Vol. II, pp. 1175-1176.)

As to the removal of "inferior" officers, however, the Supreme Court has repeatedly announced the doctrine that controls.

In *Ex parte Hennen* (13 Peters, 230) there was before the court a case in which a clerk of a United States district court had been removed by the judge, in order to make way for a friend of the judge. No assertion was made that the officer removed was in anywise derelict in duty. The court said:

All offices the tenure of which is not fixed by the Constitution or limited by law must be held during good behavior, or (which is the same thing in contemplation of law) during the life of the incumbent; or must be held at the will and discretion of some department of the Government, and subject to removal at pleasure. \* \* \* In the absence of all constitutional provision or statutory regulation it would seem to be a sound and necessary rule to consider the power of removal as incident to the power of appointment (p. 259).

The clerk was clearly an inferior officer. He had been appointed by the court under a statute vesting the power of appointments "in the courts of law." No restriction or limitation had been placed on the appointment or removal. The court correctly held that the power to remove was incidental to the power to appoint.

The gentleman from Iowa [Mr. Goob] has referred to the case of *Shurtleff v. United States* (189 U. S., 311) in support of his position.

Shurtleff held the office of general appraiser of merchandise, and although the statute specified certain causes for which he might be removed from office he was nevertheless removed

from office by the President without reference to these causes. The court, among other things, said:

We assume, for the purposes of this case only, that Congress could attach such conditions to the removal of an officer appointed under this statute as it might seem proper, and therefore that it could provide that the officer should only be removed for the causes stated and for no other, and after notice and an opportunity for a hearing (p. 314).

It can not now be doubted that in the absence of constitutional or statutory provision the President can by virtue of his general power of appointment remove an officer, even though appointed by and with the advice and consent of the Senate (p. 315).

In referring to the opinion in the case of *Blake v. United States* (103 U. S., 227), in which, although there may have been some doubt, the power of the President to remove, under a certain act, was upheld, the court said:

This indicated the tendency of the court to require explicit language to that effect before holding the power of the President to have been taken away by an act of Congress (p. 315).

And further:

The right of removal would exist if the statute had not contained a word upon the subject. It does not exist by virtue of the grant but it inheres in the right to appoint, unless limited by Constitution or statute. It requires plain language to take it away (p. 316). The right of removal, as we have already remarked, would exist as inherent in the power of appointment unless taken away in plain and unambiguous language (p. 318). \* \* \*

In considering this case it must be borne in mind that Congress had not undertaken to absolutely deprive the President of all power of removal. The act had undertaken to "limit" or "restrict" the power of removal for cause. The power to "limit" or "restrict" does not imply the power to "destroy." Had Congress in the *Shurtleff* case deprived the President of all power of removal and had the court upheld that action, the decision would furnish no authority for Congress not only to take from the President but to appropriate to itself the power of removal by resolution as is proposed in section 303.

It is proper that the House should be in possession of other decisions of a similar nature, and with its indulgence I shall refer briefly to them.

In *United States v. Perkins* (116 U. S., 483), the court said:

Whether or not Congress can restrict the power of removal incident to the power of appointment of those officers who are appointed by the President, by and with the advice and consent of the Senate, under the authority of the Constitution, does not arise in this case and need not be considered.

We have no doubt that when Congress, by law, vests the appointment of inferior officers in the heads of departments, it may limit and restrict the power of removal as it deems best for the public interest. The constitutional authority in Congress to thus vest the appointment implies authority to limit, restrict, and regulate the removal by such laws as Congress may enact in relation to the officers so appointed.

The head of a department has no constitutional prerogative of appointment to officers independently of the legislation of Congress, and by such legislation he must be governed not only in making appointments but in all that is incident thereto.

In *Parsons v. United States* (167 U. S., 324), the facts were that the President had removed from office a district attorney before the expiration of the latter's four-year term of office and the Senate confirmed the new appointee. Parsons contended that this action was illegal. The court took the view that this would leave impeachment as the only remedy, and further said:

This could never have been the intention of Congress. On the contrary, we are satisfied that its intention in the repeal of the tenure of office section of the Revised Statutes was again to concede to the President the power of removal if taken away from him by the original tenure of office act, and by reason of the repeal to thereby enable him to remove an officer when in his discretion he regards it for the public good, although the term of office may have been limited by the words of the statute creating the office. This purpose is accomplished by the construction we give to section 769, while the other construction turns a statute meant to enlarge the power of the President into one circumscribing and limiting it more than it was under the law which was repealed for the very purpose of enlarging it (p. 343).

In *Reagan v. United States* (182 U. S., 419), the court in classifying United States Commissioners, appointed under act of Congress by the United States court for Indian Territory, as "inferior" officers said:

The commissioners hold office neither for life, nor for any specified time, and are within the rule which treats the power of removal as incident to the power of appointment, unless otherwise provided. The court also said that "where causes of removal are specified by Constitution or statute, as also where the term of office is for a fixed period, notice and hearing are essential. If there were not, the appointing power could remove at pleasure or for such causes as it deemed sufficient" (pp. 425, 426).

From an examination of the authorities mentioned, and they are practically all that are available, the following conclusions may be fairly deduced:

1. Primary officers appointed by the President with the concurrence of the Senate may be removed by the President at will.
2. In all cases the power of removal is incident to the power of appointment, in the absence of constitutional or statutory limitation or restriction. By "statutory" limitation is meant

such "statutory" limitation as Congress is authorized by the Constitution to make.

3. That Congress may create inferior officers and vest their appointment in "the President alone, the courts of law, or in the heads of departments." The Constitution does not expressly authorize Congress to vest the appointment elsewhere.

4. In creating inferior officers Congress may, within its constitutional authority, limit or restrict the power of removal as it deems best for the public service.

The language of the bill seems to treat the comptroller general as a primary officer, not only because of his broad powers but because his appointment is vested in the President "by and with the advice and consent of the Senate." The appointment is not lodged "in the President, in the courts of law, or in the heads of the departments." If he is a primary officer it is conceded that he is subject to Executive removal.

However, let it be assumed that he is an inferior officer. In squaring his appointment and removal with the deductions already adverted to, we are met at the outset with the doctrine that the power to remove is an incident of the power of appointment. If that is true then it necessarily follows that the power of removal rests in the Executive. However, it is urged with much force and cogency that Congress may "limit" or "restrict" the exercise of the power. We shall agree. Congress may limit or restrict, but it can not take away. It must not be forgotten in this connection that in no decision of the Supreme Court upon which the right to limit or restrict removal is based did Congress undertake to deprive the appointing power of the right of removal entirely. One was that of a customs official removed by the President, another of a district attorney, both appointed by the President. Another was a clerk of a court appointed and removed by the judge. In one the head of a department appointed and removed a clerk. If the right to remove is an incident of appointment it is necessarily granted along with the right to appoint. An incidental or implied power partakes of the same nature as that of the express grant of which it in reality is a part. Section 303 of the bill does not simply restrict or limit the power of the President to remove. For the present purpose it may be readily admitted that Congress might provide that removal could only be "for cause," and so forth. Such a provision, however, would not annihilate the power.

It will be remembered that under the terms of the bill Congress alone may remove such officer, either by concurrent resolution or impeachment.

It should not be forgotten that one of the soundest political maxims is that the executive, legislative, and judicial departments are of equal dignity and should be scrupulously kept separate and distinct, except in so far as the Constitution expressly authorizes the functions of either to affect those of another.

It will hardly be contended that the comptroller general is not an executive officer. The bill expressly provides that he shall take over the activities of several bureaus now in one of the executive departments. His duties are neither legislative nor judicial. We shall then be presented with the spectacle of an executive officer inferior to the Chief Executive but superior to even the Cabinet. They are subject to removal at the will of their chief. He will not be. On the other hand, though an executive officer, he will hold his office at the will of Congress—perhaps a partisan Congress stirred by passion and politics. In this connection it is pertinent to observe that the Constitution evidently intended that Congress could provide that inferior officers of an executive character should be appointed "by the President alone"; that judicial officers, such as clerks and commissioners, by the "courts of law"; and clerks, and so forth, by the "heads of the departments." Such a plan is consistent with the theory of the independence and separation of the branches of Government.

#### IMPEACHMENT.

Article II, section 4, of the Constitution provides:

The President, Vice President, and all civil officers of the United States shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors.

If it be argued that the Congress should have power to remove the comptroller general, the above makes complete answer.

Here we find one of the wise and steady checks and balances that contribute so much to the symmetry and stability of the Constitution. While the departments are separate and neither may invade the other's province, the Congress, representing the people, through impeachment is permitted not to alter or modify the executive or judicial systems, but to remove therefrom any individual derelict in his duty. It may be contended with much persuasiveness that so far as Congress is



concerned the grant to it of power of removal of officers of the United States by impeachment negatives the existence in Congress of any other power of removal.

If Congress may, as is proposed by the pending measure, remove an officer of the United States by concurrent or joint resolution, why the grant of impeachment? Though, for the convenience of argument, it be conceded that Congress may prohibit the removal of an officer by the President, does it follow that Congress may both create and exercise such a power? The Cabinet departments were created by statute. If Congress because it creates an office may exercise the right of removal, why could not Congress enact a statute authorizing itself to remove any officer of the Cabinet by resolution? It possesses a power of removal, but it is not a statutory, a self-created authority. The Constitution gives it the power of impeachment, that embraces every judge and Cabinet officer and the President himself. No other manner of congressional removal was granted. However, it may be suggested that a very practical method of dispensing with an officer lies in the power of Congress to withhold appropriations for salaries. Persistence in such a course usually is followed by a separation from the service. Within the compass of a few words the fair conclusion may be stated. The power of removal of an executive officer is incidental to the power of appointment, and while in the case of inferior officers Congress may limit or restrict the exercise of such power, it can not destroy it. Though Congress in such case had the authority to forbid removal by the Executive, it has no power to appropriate to itself the power of removal. Its exclusive method of removal is by impeachment.

But it argued that the officer should have practically a life term and be irremovable by the Executive in order that he may be independent. Suppose he becomes so independent that he should be removed. Executive removal is speedy and effective.

The fact that his successor can only be appointed by and with the advice and consent of the Senate ought to guarantee that the President can not fill the vacancy by a mere creature. But if the President fails to exercise the right of removal, the remedy of impeachment remains. If it be said that such remedy is slow and tedious, it may be suggested that it is not more so than removal by resolution upon notice and hearing in each of the Houses.

Life tenure of office is contrary to our national traditions and democratic ideals, and the term of office should be in this case limited to a fixed term of years. For any removal by the President he would be held responsible by the country, and seldom, if ever, would a President capriciously remove an officer of the character of the comptroller general merely because he performed his duty, when he must secure the consent of the Senate to fill the vacancy.

Now, Mr. Chairman and gentlemen, it has been uniformly held by the Federal courts that the power of appointment vested in the President and the executive power vested in him gave him the power of removal, unless limited or restricted. That view was assented to by the gentleman from Iowa [Mr. GOOD] in his argument on the floor. He said that unless there is placed in the bill language limiting the power of the President to remove officers, it would be left open so that the President could exercise that power. He frankly confesses he desires to take away that power. In reply to the gentleman from Iowa I suggest that if the President, in the absence of any express constitutional or statutory declaration on the subject, possesses the power to remove, he must necessarily possess it by virtue of the Constitution. If the President possesses that power under the Constitution, you can not take that power away from him by statute under the guise of a limitation or restriction.

Mr. GOOD. Will the gentleman yield?

Mr. CONNALLY of Texas. Yes.

Mr. GOOD. That section of the Constitution provides that the head of a department Congress shall create by law may make an appointment. Does the gentleman mean to say that under that provision of the Constitution Congress can pass a law creating a department, providing for the appointment of the head of that department, and then provide by subsequent law that the head of that department shall appoint another officer, and Congress has no power to remove the officer so created?

Mr. CONNALLY of Texas. I will answer the gentleman. The gentleman smiles, but I hope he will wait until I answer. I do not hope to convince him, but I want him to listen seriously. Of course, Congress may remove any officer by impeachment. If it is an inferior office, Congress can put into the act creating the office such conditions of removal as Congress under

the Constitution is authorized to attach. Congress might say that that head of a department, or the President in this case, if it is an inferior office—

Mr. GOOD. Is it not an inferior office?

Mr. CONNALLY of Texas. Well, for the moment admitting that it is, if it is an inferior office Congress has the power to say that the President can only remove the officer for misfeasance or upon whatever grounds the Congress sees fit to provide. But since the President has the power to remove, Congress can limit, but it has not the power to deprive the President of his right and to take it over to itself. The gentleman admits that he has the power in the absence of a statute. If he has the power under the Constitution, the only power Congress can exercise is to limit it.

I again remind the gentleman, Congress has the power to remove an officer, because the Constitution provides that officers may be removed on impeachment. That grant is exclusive. If Congress has the power to remove by resolution, there would be little occasion to remove an officer by impeachment.

The gentleman from Iowa says that this is an inferior office. You make him independent of what? You make him independent of the President. He can not remove him. If he is inferior, to whom is he inferior? He is independent by the terms of this act to all of the executive departments of the Government. He can not be an inferior officer, but even if he is inferior, the Congress can only remove him by impeachment, because that grant of authority is exclusive, and if there had been intended any other method, the Constitution would have so provided. I hope the gentleman will amend his bill so as to bring it within the terms of the Constitution. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. PARRISH].

Mr. PARRISH. Mr. Chairman and gentlemen of the committee, the purpose and intention of the legislation creating the budget, now under consideration by Congress, is to put efficiency in the management of Government business and economy in all Government expenditures. I can conceive of no more important legislation at this time, and I know of no reform that is more necessary than that which has for its purpose the assurance of more rigid economy in all Government expenditures. Henceforth the great and absorbing issue before the American people will be that of the expenditure of public money. The man who aspires to public leadership hereafter must give an account to his constituents of how he has expended or will expend the people's money.

For many years Congress has appropriated money for the support of the various departments of Government in a more or less haphazard way and without any well-defined plans or co-operative consideration of the total expenditures to be made by the various committees of Congress. Under such a system the several departments have prepared their own Book of Estimates, which has been forwarded to the committee of the House the duty of which it was to appropriate for that particular department or branch of Government. In this way a number of House and Senate committees, without any direct understanding with each other, have been recommending appropriations to Congress for the support of the respective departments for which they were appropriating and no strict or uniform policy has been followed. In many instances the department heads have sought to expand their respective departments and have generally asked for the maximum amount they hoped to receive. Thus public expenditures have been constantly growing larger and larger until now conservative men are sick at heart at the situation in which we find ourselves, and the American people are demanding that expenditures be curtailed and that the tax burdens be speedily and materially reduced.

I am not one of those who believe that all of the money that has been spent by the Government has been wasted; far from it; for such demagoguery as that has a bad effect when it comes from a Member of Congress or from any other public official or responsible person, and has a distinct tendency to discredit those public officials who have sought to serve the people patriotically and unselfishly; but there is no denying the fact that there has been a too constant increase in the money appropriated annually for the support of the Government.

A comparison of our per capita expenses since 1850 is illuminating in this regard. The expenses per capita in 1850 were \$1.77; in 1860, \$2.01; in 1870, \$7.61; in 1880, \$5.28; in 1890, \$4.75; in 1900, \$6.39; in 1910, \$7.30; and in 1920, \$57.72. It will thus be seen that we spent per capita in 1920 more than thirty-two times as much as we spent per capita in the year 1850, and the tragic part of it all is that we are running in a vicious circle to which there seems to be no end, and which is

ever increasing the amount of our annual expenditures. An examination of the annual appropriations in recent years discloses that a very small per cent, probably not as much as 10 per cent, has been used for the constructive civil expenses of the Government, and the other 90 per cent has been used on the side of the ledger to which is charged past, present, and future war expenditures.

The backs of the American people are now bending beneath the burdens of taxation. Approximately \$5,500,000,000 were appropriated for the year ending June 30, 1920; for the year ending June 30, 1921, \$4,780,000,000 were appropriated, and the appropriations already made for the fiscal year ending June 30, 1922, calls for expenditures of \$4,014,000,000, and to these the Army and Navy bills as they now stand will add eight hundred million more. There seems to be no escape from an appropriation for the next fiscal year of approximately \$5,000,000,000.

Considering these annual expenditures in connection with the national debt, amounting at this time to \$23,995,564,776.47, the prospect for immediate relief from the burdens of taxation is gloomy in the extreme. No one can face these figures without realizing that something must be done, and that radical reduction in public expenditures has already become a vital and living issue before the American people. There must be rigid economy and taxes must be reduced. The military and naval programs are the cause of the greatest expenditures, and I certainly trust that the President of the United States will speedily call a conference of the leading nations of the earth and that some arrangement will be made which will cause a speedy reduction in the money that is now being spent for the support of the Army and Navy. There could be no accomplishment more conducive to the peace and welfare of our people.

The establishment of the budget legislation will have the effect at least of visualizing before the appropriating bodies the total expenditures to be made at any given time. The director of the budget under this law must submit the total expenditures proposed under one general plan, and along with it will be submitted the possible revenue necessary to meet the budget for any given year. In other words, the appropriating committee will have before it a specific itemization of the amount of money required, and also the ways and means of raising the necessary revenue, and that result will tend strongly to encourage efficiency and economy.

Then, too, the accounting department provided for in this law under the controller general will be required to audit very carefully all expenditures after the money has once been appropriated, and this will insure that the money will be spent for the purposes for which Congress intended; and it will be the duty of the controller general to advise Congress promptly wherein appropriations have not been spent according to the wishes of Congress. Under the present system Congress has been making appropriations and the money turned over to the various departments of the Government, and unless expensive investigations were ordered Congress did not know whether the money had been expended according to its wishes or not; but under the controller general this evil will be met and careful audits will be made. Undoubtedly the budget will result in a great saving of public money and in reducing appropriations.

I have felt so earnestly about this matter that when the budget bill came before the House last year I supported it, and when the President vetoed it and it came back later for passage over his veto I voted to override the President's veto in order that we might make sure that the budget would go into effect as quickly as possible. I saw nothing then in the President's veto that would justify me in voting against the bill, and nothing has come to my mind since that that has changed my views in this regard, and I say this with all due respect to the President, in whose judgment I have always placed great confidence.

We are facing a fact and not a theory. Great problems are waiting at our hands for solution, and each of us are charged with responsibility of facing these problems, and each is responsible to his own people for the manner in which he solves them, and I for one will always vote for what I believe to be the best interests of the people whom I represent. It is only in this way that I can contribute to the successful solution of the difficulties now confronting us.

Mr. Chairman, we must hasten back to the paths of peace, we must discourage extravagant expenditures wherever found, we must go back to that good old-fashioned democracy which gives to every man the right to make his own fortune and remove from him as much of Government interference and of public burdens as is possible; we must restore to the individual the rights guaranteed him under the Constitution and to the

States their powers unhampered and unduly restricted by Federal interference. I congratulate the House and the country upon the fact that this measure is being passed and that business efficiency is going to be put into Government administration. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. GOOD. Mr. Chairman, I ask unanimous consent to extend and revise my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HAYDEN. Mr. Chairman, I make the same request.

Mr. PARRISH. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection to either of the requests just made?

There was no objection.

Mr. GOOD. Mr. Chairman, I yield the remainder of my time to the gentleman from Indiana [Mr. PURNELL].

The CHAIRMAN. The gentleman from Indiana is recognized for four minutes.

Mr. PURNELL. Mr. Chairman, I do not expect in the brief time allotted to me to discuss in detail any of the salient features of this bill. I do, however, want to express my great appreciation for the opportunity I have had to serve as a very humble member of this Select Committee on the Budget. I shall always regard it as a great honor to have had even a small part in the framing of such an important and far-reaching measure. I also want to call to the attention of the Congress and of the country the great service that has been rendered all the people by the distinguished gentleman from Iowa [Mr. GOOD], who has not only ably presided over the committee but whose tireless energy and peculiar skill have made the consideration of this bill possible. [Applause.]

I want to briefly call attention to one feature of the bill that has not been particularly emphasized. It will forever definitely fix responsibility in the expenditure of the public money. In my judgment many things will be accomplished by the enactment of this measure, but if it does nothing more than fix responsibility it will accomplish much for the country.

That to my mind is all important. Up to this time there has been a sort of vague impression over the country that Congress is the profligate branch of the Government. I was agreeably surprised when it was developed in the hearings before our committee that over a period of 20 years, with but two exceptions, and one of those doubtful, Congress has reduced rather than increased the estimates submitted to it by the Executive. There is a genuine doubt in the minds of the people as to just who is responsible for the demands made upon them for money. This bill, if enacted into law, will absolutely fix that responsibility. When the President presents to Congress at the beginning of each regular session, as is provided in the bill, a definite, concise statement of the financial needs for the next fiscal year, the people will know that the amount requested is the result of careful calculation rather than haphazard guesswork by ambitious bureau heads.

The people will also know that the President is ready to stand or fall by those estimates.

When that budget is handed to the Congress the responsibility shifts from the Executive to Congress and again the people will know where responsibility lies. If the Congress increases or decreases the amount asked for the people will pass upon the wisdom or folly of the action taken.

I hope to see the presentation of the budget to Congress an event in our national life. It should and no doubt will arrest the attention of the people in order that they may at all times fix the responsibility for the expenditure of their money. If it accomplishes nothing more than this we will have earned the thanks of a grateful people. [Applause.]

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. PURNELL. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none. The Chair assumes that these requests all pertain to remarks upon this bill and are not general in their nature. The time of the gentleman from Iowa, controlled by him, has expired.

Mr. GOOD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GOOD. Under the rule that we have adopted under which we are considering this bill, is the bill H. R. 30 a substitute, or will it be necessary to offer the House bill as a substitute for the Senate bill?



The CHAIRMAN. The terms of the rule are perhaps somewhat unusual.

The Chair regards the situation as this: The text of the House bill is before the committee under the essential portions of the rule. What the object of the rule was the Chair can only conjecture, but presumably there were differences in phraseology in the two bills, and as a matter of simplicity the Committee on Rules proposed that the text of the House bill should be considered instead of the text of the Senate bill. As it now appears to the Chair the procedure will be this: The committee will consider the text of the House bill, will amend it as such, and when consideration is finished there will be one complete, perfected amendment which may be reported by the committee to the House.

Mr. BLANTON. A point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Texas will state it.

Mr. BLANTON. The chairman of the Committee on Appropriations when making the motion that the House go into the Committee of the Whole House on the state of the Union moved that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering the Senate bill. Does not that confine us to the Senate bill?

The CHAIRMAN. The Chair does not think that point is well taken. The House is formally engaged in the consideration of the Senate bill, but we all recognize the bills in a measure are identical. The rule chose the text of the House bill, No. 30, instead of the text of the Senate bill, which the Chair thinks entirely proper. The Clerk will read.

The Clerk read as follows:

Sec. 2. When used in this act—

The terms "department and establishment" and "department or establishment" mean any executive department, independent commission, board, bureau, office, agency, or other establishment of the Government, including the municipal government of the District of Columbia, but do not include the legislative branch of the Government or the Supreme Court of the United States;

The term "the budget" means the budget required by section 201 to be transmitted to Congress;

The term "bureau" means the bureau of the budget;

The term "director" means the director of the bureau of the budget; and

The term "assistant director" means the assistant director of the bureau of the budget.

Mr. DUNBAR. Mr. Chairman, I move to strike out the last word. Mr. Chairman and gentlemen of the committee, those who administer the budget system will have the responsibility of estimating the expenditures and receipts for the Government for the fiscal years over which it will be necessary for the Congress of the United States to make its appropriations. Congress creating the responsibility of estimating receipts calls to my mind the fact that the Allies owe to the United States more than \$11,000,000,000. The total indebtedness of our National Government is but a little over \$23,000,000,000, so that if the Allies were to accept and discharge their responsibilities at the present time the amount of indebtedness of the United States would be but a little more than \$12,000,000,000. Our finances are not in such a condition as to give us a great amount of apprehension if we knew definitely what to expect of the Allies and what they propose to do in the discharge of their obligation. Even as it is, our Government from the period of June 30, 1919, up to March 31, 1921, reduced the indebtedness of our Government more than \$2,000,000,000. One billion six hundred million dollars of that amount was due to our receipts exceeding our disbursements. About \$500,000,000 was due to the reduction of available cash in the Treasury. Our expenses are being continually reduced, and I do not know why we consider the financial problems of this country to be of such stupendous magnitude, because I believe that we have its affairs well in hand; but at the same time it seems to me we should take some stand and have some understanding in the matter of the debt owed to us by the Allies. I have consulted with some of our officials regarding this debt, and there seems to be a timidity as to how Congress should proceed. I had in mind the introducing of a bill which would instruct the Secretary of State to negotiate with the Allies and Germany and see if from the amount of money that Germany paid the Allies for indemnity we could receive our proportion of that money on account of liquidation of the Allies' debt to the United States. I understand already in France that some of those people over there are idle in anticipation of being supported by Germany. Now, that is all right; if Germany pays them indemnity, and if they can live on that indemnity, that is their business; but I think it is our business to see to it that the Allies pay the Government of the United States the money that is due us, or at least pay us the interest and have the debt funded in such a manner as will enable us to know how we stand in the matter. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

Sec. 201. The President shall transmit to Congress on the first day of each regular session, the budget, which shall set forth in summary and in detail:

(a) Estimates of the expenditures and appropriations necessary in his judgment for the support of the Government for the ensuing fiscal year; except that the estimates for such year for the legislative branch of the Government and the Supreme Court of the United States shall be transmitted to the President on or before October 15 of each year, and shall be included by him in the budget without revision;

(b) His estimates of the receipts of the Government during the ensuing fiscal year, under (1) laws existing at the time the budget is transmitted and also (2) under the revenue proposals, if any, contained in the budget;

(c) The expenditures and receipts of the Government during the last completed fiscal year;

(d) Estimates of the expenditures and receipts of the Government during the fiscal year in progress;

(e) The amount of annual, permanent, or other appropriations, including balances of appropriations for prior fiscal years, available for expenditure during the fiscal year in progress, as of November 1 of such year;

(f) Balanced statements of (1) the condition of the Treasury at the end of the last completed fiscal year, (2) the estimated condition of the Treasury at the end of the fiscal year in progress, and (3) the estimated condition of the Treasury at the end of the ensuing fiscal year if the financial proposals contained in the budget are adopted;

(g) All essential facts regarding the bonded and other indebtedness of the Government; and

(h) Such other financial statements and data as in his opinion are necessary or desirable in order to make known in all practicable detail the financial condition of the Government.

Mr. PARKER of New Jersey. Mr. Chairman, I desire to present an amendment.

The CHAIRMAN. The gentleman from New Jersey offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. PARKER of New Jersey: Page 3, line 20—

The CHAIRMAN. The Clerk has not read that part.

Mr. PARKER of New Jersey. It is line 18. I had the Senate bill in my hand.

The Clerk read as follows:

Amendment offered by Mr. PARKER of New Jersey: Page 3, line 18, after the word "Government" at the end of section 201, strike out the period and insert in lieu thereof the following: ", and especially a classified statement of the amounts, condition, and cost of all property of the United States held by any department or establishment at the end of the last fiscal year, as well as the amounts, condition, cost, and sales price of any such property that was sold during said fiscal year."

Mr. GOOD. I make the point of order that the amendment is not germane to the section of the bill.

The CHAIRMAN. The Chair is inclined to the opinion that the point of order must be sustained. This is a bill providing machinery for estimates—

Mr. PARKER of New Jersey. I so understand.

The CHAIRMAN. And in the latter portion providing machinery for auditing of accounts. This amendment imposes another duty on the President not germane to the general subject of the bill.

Mr. PARKER of New Jersey. That is the exact point I would like to submit to the Chairman. It says:

Such other financial statements and data as in his opinion are necessary or desirable in order to make known in all practicable detail the financial condition of the Government.

There has been bought and is owned by the Government I do not know how many million dollars worth of stuff, military and otherwise. They have sold material, according to the statement made to me, amounting to \$1,883,000,000. They are proposing to sell more, how much I do not know. They have received from that material, which cost \$1,883,000,000, something over \$800,000,000. They are large receipts, obtained in a different way than by taxation, but which affect the financial condition of the Government very largely. What is the financial condition of the Government except what it has and what it has received? And with such figures as these before us, it seems to me that a report each year to the Congress showing what is the cost of the material they have on hand, what they have sold, what the amount they have sold cost, and what they received from it is very necessary in determining the policy of the Government and the condition of its Treasury.

I do not know but that I have almost said all that I would say in advocacy of the amendment if discussing whether or not it is in order. It seems to me, sir, that to show the financial condition of any private individual you would always ask for an inventory of what property he has on hand, and if he says he has revenue you would ask him what part of it came from the sale of the particular property that he has on hand.

The CHAIRMAN. Does the gentleman from Iowa [Mr. GOOD] desire to be heard on the point of order?

Mr. GOOD. Mr. Chairman, this bill has nothing to do with a schedule of Government property. It is designed to provide the machinery for the submission of estimates of the amount of money that may be required to run the Government from time

to time, and provides that the President shall set forth in that statement simply the fact in regard to the estimated receipts and the estimated expenditures, in summary and detail, and it then provides how that shall be done. Now, the gentleman's proposition, meritorious as it may be, to have a valuation or an inventory of all the Government property, is no more germane to the bill than would be an amendment to provide here that at the same time the President submits the budget he should submit a census of the number of people living in the United States, the number of horses and cattle on our farms, and all that sort of thing. It seems to me the amendment is not germane to the proposition we have here. In this bill we have been trying to separate and allow to stand out as a distinct thing the submission of the budget showing the amount of money that would be required to run the Government. It deals only with money and money obligations, and does not deal with property and should not.

Mr. PARKER of New Jersey. We learn here that they are to submit the expenditures and receipts of the Government during the fiscal year.

The CHAIRMAN. Expenditures and receipts are more or less in the nature of an inventory of property.

Mr. PARKER of New Jersey. This is to show what they have sold and what they have received from sales. I therefore think what they have sold and what they have received, and what it cost, is necessary to explain the receipts of the Government.

Now, the other part is this: In the last two lines it is provided they are to make known in all practicable detail the financial condition of the Government. The financial condition of the Government seems to me certainly to include what they have on hand. If you are going to get at the financial condition of any business, you want to know what they have on hand. If you want to understand the receipts, you want to show what they are for.

The figures are large. They are larger than what we used to spend for the whole support of the Government. The property as sold amounts to \$1,880,000,000, and the amount received from it is more than \$850,000,000, and it seems to me that such facts as these ought to be placed before the Congress in detail in order to find out the financial condition of the Government.

The CHAIRMAN. The Chair adheres to the ruling which has been made heretofore. The Clerk will read.

The Clerk read as follows:

SEC. 202. (a) If the estimated receipts for the ensuing fiscal year contained in the budget, on the basis of laws existing at the time the budget is transmitted, plus the estimated amounts in the Treasury at the close of the fiscal year in progress, available for expenditure in the ensuing fiscal year, are less than the estimated expenditures for the ensuing fiscal year contained in the budget, the President, in the budget, shall make recommendations to Congress for new taxes, loans, or other appropriate action to meet the deficiency.

(b) If the aggregate of such estimated receipts and such estimated amounts in the Treasury is greater than such estimated expenditures for the ensuing fiscal year, he shall make such recommendations as in his opinion the public interests require.

Mr. WHITE of Maine. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Maine offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. WHITE of Maine offers the following amendment: Page 4, line 2, after the word "the" insert the word "estimated."

Mr. WHITE of Maine. Mr. Chairman, this section relates to estimated receipts and estimated expenditures for the ensuing year, and the deficiency referred to is not an existing one but only an estimated deficiency. It seems to me it ought to be so designated.

Mr. GOOD. I think that is inferred from the language, but I have no objection to the amendment. It does not change it.

The CHAIRMAN. Without objection, the amendment will be agreed to.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 203. (a) The President from time to time may transmit to Congress supplemental or deficiency estimates for such appropriations or expenditures as in his judgment (1) are necessary on account of laws enacted after the transmission of the budget, or (2) are otherwise in the public interest. He shall accompany such estimates with a statement of the reasons therefor, including the reasons for their omission from the budget.

(b) Whenever such supplemental or deficiency estimates reach an aggregate which, if they had been contained in the budget, would have required the President to make a recommendation under subdivision (a) of section 202, he shall thereupon make such recommendation.

Mr. CABLE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CABLE: Page 4, line 15, after the word "or" strike out "(2) are otherwise in the public interest" and insert in lieu thereof the following: "(2) caused by a sudden emergency involving loss of human life or the destruction of property."

The CHAIRMAN. Is that to take the place of the phraseology in No. 2?

Mr. CABLE. Yes, sir.

It will be noted in this budget bill that the President shall first transmit to Congress on the first day of the regular session a budget, which shall set out an estimate of the expenditures and appropriations necessary, in his judgment, for the support of the Government for the ensuing year. A later section, No. 203, recognizes that certain deficiencies may arise.

Now, the amendment I have just offered is in line with, and, as I believe, follows out, the suggestion of the Secretary of the Treasury, Mr. Mellon, as appears from his very recent letter to the chairman of the Ways and Means Committee. He states:

Reduction of appropriations, moreover, will not of itself be effective to reduce expenditures unless at the same time the Congress avoids or controls measures which result in expenditures without an apparent appropriation.

In other words, the different branches of the executive departments have continued to make expenditures without prior appropriations. This same condition of facts existed in 1870, and at that time Congress passed an act in which it was provided that it shall not be lawful for any department of the Government to expend in any one fiscal year any sum in excess of appropriations made by Congress for that fiscal year or to involve the Government in any contract for the future payment of money in excess of such appropriations.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. CABLE. I am sorry I have not time.

That was in 1870. Between 1870 and 1905, when that act was amended, \$800,000,000 had to be appropriated by Congress to make up for deficiencies.

In 1905 Congress sought to put teeth in the law by an amendment, and it provided by section 3679 of the United States Revised Statutes that no department of the executive branch can expend more than the amount appropriated, and it further provided that each department of the executive branch of the Government shall divide its appropriations into 12 equal parts and spend only one-twelfth of their appropriation in each month of any year, so as to prevent undue expenditures in one portion of the year that may require additional appropriations to complete the service of the fiscal year. It went further than that, and enacted in that section a criminal provision, that any person violating any of the provisions of that section should be summarily removed from office and be fined not more than \$100 or imprisoned for not less than one month.

Notwithstanding the criminal and other provisions of that section, the executive departments of this Government spent over \$300,000,000 above the appropriations between 1906 and 1917.

My purpose in offering this amendment is to call the attention of the branches of the executive department to the provisions of the above section; to call their attention to the law which provides how they shall expend the Government money, and the limitation placed upon their right to expend this money paid in by the people.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. FESS. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for two minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. CABLE. In other words, it is the duty of Congress to raise the money, and if it does not raise enough or raises too much, Congress gets the blame, when really it may be the fault of the executive departments. There are few rights greater in importance to this Nation than those of determining what public revenues shall be raised and what expenditures shall be authorized. There is not a man, woman, or child in the United States who does not directly or indirectly pay taxes to Uncle Sam. A budget means business methods in government, and the people, while they are willing to help, at the same time have a right and should know that their money is spent judiciously. The purpose of the amendment is to serve notice upon the other branch of this Government that we are going to have the laws obeyed, and that they can not spend any more money than we raise for them. Congress is that branch of the Government that is compelled to take the money out of the pockets of the men, women, and children of this country to pay for these unlawful expenditures, and therefore when we raise the money let it be spent according to appropriations.



This administration was elected upon a platform of economy. The laws I have cited have been on the statute books for many years, and to a considerable extent disregarded. Congress should act by votes not words. [Applause.]

Mr. BLANTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. GOOD. I ask unanimous consent that all debate on this section and all amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that all debate on this section and all amendments thereto close in 10 minutes. Is there objection?

Mr. NORTON. I object.

Mr. BLANTON. Mr. Chairman, I had to rise pro forma in opposition to the gentleman's amendment in order to get the floor; but I want to say that I am in hearty accord with every word that he has spoken. I wish that we could have a speech of that kind on the floor of this House every day; because, if the gentleman will examine the numerous deficiency bills which our good friend from Iowa [Mr. Good], the distinguished chairman now in charge of this legislation brings in here so frequently, he will find that every single department of this Government has violated the provision of the statute which the gentleman read. Every department during the last four years has exceeded the appropriations that Congress has seen fit to allow it for carrying on the work of its various bureaus. Every one of them exceeds the appropriations, and it will be remembered that the late distinguished minority leader, then the majority leader, our lamented friend, Champ Clark, called attention to the fact that, although Congress placed this criminal law upon the statute books, there had been no proceedings under it, with no action taken against anyone; and he asked the distinguished chairman of the Appropriations Committee [Mr. Good] why it was that they had not proceeded against some of these department heads when they brought in big deficiency estimates and asked Congress to provide them. I will say to my good friend that the great trouble is this: The two departments that spend the most of the money, the War Department and the Navy Department, have a way of using sums that we appropriate for certain purposes, using them for other purposes for which Congress does not provide them, and for which Congress does not intend that the money shall be spent. Then they let deficiencies occur with respect to the pay of the men in the Army and the Navy, knowing that Congress must provide the funds with which to pay these men.

They know that they have us by the throat. They know that they have got us hog tied. They know that the Congress of the United States is not going to deprive the men in the Army and the Navy of their just salaries that are due them, and therefore they spend their money for other purposes and then ask for deficiencies. What we ought to do is to place a provision in these bills that they shall not draw on these various funds for other purposes; that they have got to live within the limit of each fund according to the provisions passed by Congress. I am glad that the gentleman has gone to work on the proposition. I hope he will get others interested with him; and I am glad to see in this afternoon's paper that President Harding has told the heads of the various departments of this Government that he is going to require them to live within the means provided by the Congress in the appropriation bills. In other words, he indicates in the papers this afternoon that he is going to stop these deficiencies. When he does, I am going to take my hat off to him as the biggest man this country has had in a long time, because he will have done something that Congress has never been able to do with regard to deficiencies. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEVENSON. Mr. Chairman, I desire to offer a substitute for the amendment offered by the gentleman from Ohio [Mr. Cable].

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Substitute offered by Mr. STEVENSON for the amendment offered by Mr. Cable: Instead of the language used insert: "Or (2) on account of some national emergency."

Mr. STEVENSON. Mr. Chairman, I agree with a good deal that has been said by the gentleman from Ohio [Mr. Cable], that the matter of deficiencies is one of the things that needs to be guarded against; but I do not see where the gentleman's amendment will have any tendency to guard against national deficiencies. The gentleman's amendment merely undertakes to tie up the additional sums that the President may suggest, to two things, destruction of property and destruction of life. Those are the only two reasons why he may recommend extraordinary sums. Consequently an emergency might arise, many emergencies might arise, which would necessarily cause

a deficit to be contracted, because there would be no provision in the law for the President asking for an additional sum. So I think that while the gentleman's proposition on which he argues is all right, his remedy does not reach the subject.

Mr. CABLE. Will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. CABLE. Does the gentleman know that the words I have used in my amendment are taken from the law itself as Congress has heretofore enacted it?

Mr. STEVENSON. I have no doubt that that is correct, but that does not meet the difficulty. The gentleman says he wants to stop deficiencies, but he wants to take out of this bill the provision that the President may avoid a deficiency by asking, under certain circumstances, for an additional amount which will prevent a deficiency, and he wants to insert a restrictive clause which would shut the President out from asking for an additional amount in cases in which deficiencies will naturally and almost necessarily arise.

Mr. BANKHEAD. Will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. BANKHEAD. Why does the gentleman contend that the language of the bill as now framed would not cover an emergency?

Mr. STEVENSON. I do not make any such contention, but like the gentleman from Texas I wanted the floor; I have not before taken it, and I offered a substitute in order that I might argue against the gentleman's amendment, because I think the language as it is is eminently proper and will safeguard the interests of the country.

Mr. ANDREWS. Does not the gentleman think that an independent audit will cover the case fully? It is the business of the accounting officer to call a halt when the money is exhausted. An independent office as provided in this bill is the most effective remedy that can be had.

Mr. STEVENSON. I agree with the gentleman that an independent audit is a very good thing. I think the language as it is is all right. I offered a substitute because I was afraid that the eloquence of the gentleman from Texas and the gentleman from Ohio might persuade the House to strike out the language and put in the language which is too restrictive and will bring about trouble.

Now, as to the independent audit, I want to say that I am in favor of the bill; I voted for it when it first passed, and I voted to sustain the President's veto, because the comptroller general, under the provisions made here, in my judgment, whether it is constitutional or is not constitutional—and if it is unconstitutional and you undertake to take the power of removal from the President, you do not do it because he could remove him anyway. I think the audit is too much under the control of the House and Senate. Here is a man who has to pass on all these claims, and he will be called upon to pass on a great many claims by constituents, and if he does his duty he will be one of the most unpopular officials in the United States. Men who have claims that will not be allowed by the controller general and his assistants will be disgruntled, and the controller and his assistant will be unpopular in Congress because he is unpopular with our constituents. It will take only a concurrent resolution to remove him, and by that you are opening the door to destroy the official by means of that concurrent resolution to remove him. Mr. Chairman, I withdraw the amendment I offered, for I am satisfied with the language in the bill.

The CHAIRMAN. The gentleman from South Carolina withdraws his amendment.

Mr. GOOD. Mr. Chairman, I move that all debate on this amendment close in five minutes.

The CHAIRMAN. The gentleman from Iowa moves that all debate on the amendment close in five minutes.

The question was taken, and the motion was agreed to.

Mr. GOOD. Mr. Chairman, I doubt very much if we could by law limit the express power granted by the Constitution which directs the President from time to time to give to Congress information of the state of the Union and recommending such measures as he shall judge necessary and expedient.

Suppose we could do that and suppose we adopted this amendment offered by the gentleman from Ohio. What would be the result? I would like to know what position we would be in to-day or what position we would have been in six months ago in regard to the Navy when coal advanced more than 150 per cent. Congress had made appropriations on estimates submitted 18 months before the appropriation was available and when it did not dream that coal would advance 150 per cent. But if the gentleman's provision had been law we would have been compelled to tie up the Navy of the United States.

I can refer to a great many instances where if we had a provision such as the gentleman's amendment provides where

the Government would cease to function altogether. No one dislikes deficiency estimates more than the Committee on Appropriations, but we must leave the door open so that estimates may be submitted although the expenditure of money as the gentleman has stated must be limited to those things for which Congress expressly makes the appropriation. But this amendment seems to close the door so that in an emergency the functions of the Government might cease. Therefore it seems to me we ought not to adopt the amendment offered by the gentleman from Ohio.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 204. (a) Except as otherwise provided in this act, the contents, order, and arrangement of the estimates of appropriations and the statements of expenditures and estimated expenditures contained in the budget or transmitted under section 203, and the notes and other data submitted therewith, shall conform to the requirements of existing law.

(b) Estimates for lump-sum appropriations contained in the budget or transmitted under section 203 shall be accompanied by statements showing, in such detail and form as may be necessary to inform Congress, the manner of expenditure of such appropriations and of the corresponding appropriations for the fiscal year in progress and the last completed fiscal year. Such statements shall be in lieu of statements of like character now required by law.

Mr. BLANTON. Mr. Chairman, I make the point of order that no quorum is present.

The CHAIRMAN. The gentleman from Texas makes the point of order that no quorum is present. The Chair will count.

Mr. BLANTON. Mr. Chairman, I withdraw the point.

Mr. MOORE of Virginia. Mr. Chairman, I move to strike out the last word in order to address an inquiry to the chairman of the committee. The theory of this legislation is to impose on the executive departments a greater degree of caution and economy?

Mr. GOOD. Yes.

Mr. MOORE of Virginia. Has the gentleman ever considered the expediency of some provision that would impose on Congress a greater degree of caution and economy in the way of requiring that estimates shall not be exceeded except by something more than an ordinary vote—say, a vote of two-thirds? I may say to the gentleman, before he replies, that in an almost forgotten American Constitution there was a provision of that sort. I am well aware that a legislative provision of that character would be subject to be repealed or modified generally or in particular instances at the will of Congress, and yet it would be highly persuasive, and thereby Congress, while endeavoring to check extravagance in the executive departments, would be checking its own extravagance, which is now and then rather flagrant.

Mr. GOOD. I agree with the gentleman, and the Committee on the Budget had under serious consideration the suggestion as to placing in the law a provision requiring that an amendment increasing the estimates or increasing the amount carried in the bill as reported by the committee should require a two-thirds vote.

The question is not altogether free from trouble, as the gentleman well knows. I suppose, notwithstanding the constitutional provision which provides that the House shall prescribe the rules for its procedure, we might by law provide for a certain line of procedure with regard to the way a bill should go through the House; but suppose we should put into this, which is to become a permanent law, a provision that any appropriation bill reported from the committee in which it was attempted to increase the estimates would require a two-thirds vote, and suppose the next Congress should say by its rules that all amendments and appropriation bills in order to be adopted should only require a majority vote, then the change in the rules will take precedence over the provisions of the general law.

Mr. MOORE of Virginia. I think my friend is correct; that a provision of the kind suggested would only be persuasive, but nevertheless it would have a very considerable effect. It may be of interest to the committee to know that the constitution to which I referred is a constitution that long since disappeared. It was drafted by statesmen, many of whom had served in Congress, men of great capacity and experience. It was the constitution of the Confederate States, which contained a real budget system.

Mr. GOOD. If it should be reached at all, I think it should be reached by a change in the rules of the House.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 207. There is created a bureau to be known as the bureau of the budget. There shall be in the bureau a director and an assistant director, who shall be appointed by the President and receive salaries of

\$10,000 and \$7,500 a year, respectively. The assistant director shall perform such duties as the director may designate, and during the absence or incapacity of the director or during a vacancy in the office of director he shall act as director. The bureau, under the direction of the President, shall prepare for him the budget, the alternative budget, and any supplemental or deficiency estimates, and to this end shall have authority to assemble, correlate, revise, reduce, or increase the estimates of the several departments or establishments.

Mr. STAFFORD. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Page 6, line 7, after the word "respectively," insert "the director shall hold office for the term of four years, unless sooner removed by the President, but the term of the first incumbent shall expire on June 30, 1925."

Mr. STAFFORD. Mr. Chairman, I take it that under the bill as presented the right of removal of the director is incidental to the right of appointment, but, even granted that that inherent right is vested in the President, I believe that so far as the director is concerned this tenure of office should be co-terminous virtually with that of the President. The director is virtually the mouthpiece of the President. He is his appointee and he should hold office only, I would say, during the term of the President. This director should not continue in office, running along from year to year, true, subject to removal by the President, but he should be compelled, just like any Cabinet officer, to hand in his resignation at the end of the President's term, upon his reelection, or his tenure of office should terminate at that time or shortly thereafter. There will be too much of a tendency, if we do not limit the time, for the director to continue in office for all time to come. That is something to be avoided.

Much is expected of this director. The assistant director may be one who should hold office for life, perhaps, or during good behavior, but the director should reflect the views of the President as far as economy and every other matter that pertains to that office is concerned.

We have had economy in prior administrations. I recall during the administration of President Taft a time when the expenditures were increasing far beyond the revenues. Word was then passed by the President that no recommendations should be made to Congress for deficiencies unless they were absolutely necessary. The reason was that we were threatened with an extra bond issue or some other means to raise revenue to meet current expenditures.

Much has been said in debate in respect to the great duplication of services. I have given a little consideration to the work of the various departments and I have not found much duplication of work. I would like some of these gentlemen who got up on the floor yesterday and said there are hundreds of thousands of dollars wasted in duplication to mention one instance where there has been real duplication of service.

Mr. JOHNSON of Washington. I call the gentleman's attention to the survey of public lands and the forest reserves in the far West.

Mr. STAFFORD. Does the gentleman contend that the same officials do the same character of work in the same agency of the Government?

Mr. JOHNSON of Washington. No; but different officials do similar work; from the Agriculture Department in the forest reserves, and some from the Interior Department in the public lands.

Mr. STAFFORD. Oh, they may engage in similar work, but there is no duplication such as we have heard so much of on the floor of the House. There may be economies of administration, but if there is going to be any real good accomplished by this budget bureau—and I am hopeful that some good will come by having a scientific preparation of the estimates—then I contend that the director should be a person who will virtually be the mouthpiece of the President.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. STEVENSON. Is it not true that this director may be removed at any time by the President? His term is not fixed.

Mr. STAFFORD. The very first statement that I made in addressing myself to the amendment was that the right of removal was inherent in the President, but there is legislative inertia and executive inertia, and when an officer has an indeterminate term he is likely to continue in office, and the President should not be compelled to force his removal. The term should be fixed definitely.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. GOOD. Mr. Chairman, it would be in my opinion a great mistake to place upon the statute books a law that provides for the appointment of these officials for a period of four years. Under the law no member of the President's Cabinet is appointed for four years. These positions we are creating are to



be filled by men who are to study the machinery for the President, and when they cease to function as the President would have them function the President would have the right, whether he be Republican or Democrat, to remove them. The President is responsible for the budget, it is the President's budget, and these men who are appointed, without respect to the advice and consent of the Senate, will be the machine by which the President will bring about a more healthy condition of public affairs so that he can, if you please, eliminate duplications and bring real economy. The gentleman from Wisconsin may not have discovered duplications in the Government service, but I think everybody else who has studied it has found conditions of duplications existing in every department of the Government.

Mr. STAFFORD. Will the gentleman yield?

Mr. GOOD. Yes.

Mr. STAFFORD. Will the gentleman state an instance—

Mr. GOOD. I will state a case. A few years ago we bought a machine costing about \$10,000 with which to test leather. We placed it out in the Bureau of Standards and as leather is made from the hides of sheep, horses, and cattle, and as sheep, horses, and cattle grow on the farm the Department of Agriculture said, "We must have a similar machine to test leather," so that we have two machines now testing leather, and they do not use both of them together one-twentieth of the time. Duplications do exist, and the President must have the power to wipe them out; must have the men who are true to him all the time. We ought not to fix a tenure of four years. Leave that to the President. These positions will change with each change of administration. Therefore, I think we should not place in the bill that kind of a restriction.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Wisconsin [Mr. STAFFORD].

The question was taken, and the amendment was rejected.

Mr. BLANTON. Mr. Chairman, I make the point of order that we have no quorum.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and eleven Members are present. A quorum is in attendance.

The Clerk read as follows:

Sec. 208. (a) The director, with the approval of the President, shall appoint and fix the compensation of such attorneys and other employees and make such expenditures for rent in the District of Columbia, printing, binding, telegrams, telephone service, law books, books of reference, periodicals, stationery, furniture, office equipment, other supplies, and necessary expenses of the office, as Congress may from time to time provide.

(b) No person appointed by the director shall be paid a salary at a rate in excess of \$6,000 a year, and not more than four persons so appointed shall be paid a salary at a rate in excess of \$5,000 a year.

(c) All employees in the bureau whose compensation is at a rate of \$5,000 a year or less shall be appointed in accordance with the civil service laws and regulations.

(d) The provisions of law prohibiting the transfer of employees of executive departments and independent establishments until after service of three years shall not apply during the fiscal years ending June 30, 1921, and June 30, 1922, to the transfer of employees to the bureau.

Mr. ROSSDALE. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Wisconsin desired prior recognition.

Mr. COOPER of Wisconsin. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I rise to ask the chairman just what paragraph (a) means—

The director, with the approval of the President, shall appoint and fix the compensation of such attorneys and other employees and make such expenditures for rent in the District of Columbia, printing, binding, telegrams, telephone service, law books, books of reference, periodicals, stationery, furniture, office equipment, other supplies, and necessary expenses of the office, as Congress may from time to time provide.

What do those last words mean, "as Congress may from time to time provide"?

Mr. GOOD. That is the customary expression with regard to a provision that Congress makes for the payment of these various services.

Mr. COOPER of Wisconsin. Does the gentleman think that it is correct to say that the director shall appoint and fix the compensation of such attorneys and other employees as Congress may from time to time provide? That is not apt language, is it? Ought it not to be as the law—

Mr. GOOD. We had the experts selected by the Ways and Means Committee to assist in that, and it is a different bill from that originally introduced, and we were told that this was the better form.

Mr. COOPER of Wisconsin. I shall not be captious about it. But does the gentleman think that is good English to say that the director shall appoint and fix the compensation of such attorney as Congress shall from time to time provide? This "from time to time provide" means attorneys.

Mr. GOOD. By appropriations. But it is language that has been used a great deal of late—"as Congress may from time to time provide."

Mr. COOPER of Wisconsin. Well, it ought to be corrected, I do not care how long it has been used. The point is it is not good English to say that the director, with the approval of the President, shall make such expenditures for attorneys as Congress shall from time to time provide.

The CHAIRMAN. Does the gentleman withdraw the pro forma amendment?

Mr. COOPER of Wisconsin. I withdraw the pro forma amendment.

Mr. SANDERS of Indiana. Mr. Chairman, if the pro forma amendment is withdrawn, I desire to offer the following amendment.

The CHAIRMAN. The gentleman from New York [Mr. ROSSDALE] has offered an amendment, which the Clerk will report. The Clerk read as follows:

Amendment offered by Mr. ROSSDALE: Page 7, line 4, after the word "of," strike out "\$5,000" and insert in lieu thereof "\$3,000."

The CHAIRMAN. The gentleman from New York [Mr. ROSSDALE] is recognized.

Mr. ROSSDALE. Mr. Chairman and gentlemen, the effect of this amendment will be to prevent a mandatory inclusion or application of high-priced salaries in the various departments.

Now, in offering this amendment I do not do so as an enemy of the civil service, because I am an old civil-service employee. I spent 10 years of my life in the civil employment of the Government of the United States. I have made practically 20 years of study of the civil-service conditions, and I am quite familiar with all of that branch of the service. I believe, as a writer from our State said a few years ago, that a reasonable amount of fleas are good for a dog. Three thousand dollars a year and under is enough to apply in a mandatory civil service law. When you go over that, you simply add to the large number of cold-blooded automatons, bureaucrats, men who simply get themselves appointed by passing some kind of an examination and then use the influence of their Representatives and Senators and of people back home with influence to promote them. And then when they once get into a position where they have some authority as a bureaucrat they get other bureaucrats to promote them. And so they perpetuate themselves. My experience with this class and type is such that I do not recommend that this House create many more. If the director who shall be appointed by the President is a man of intelligence and has the confidence of the President, surely that man should have in his discretion the right to appoint whom he will, without creating some foolish civil-service examination by which a man shall be chosen. Does any gentleman really believe that any examination can be devised that will give an adequate or fair choice for any of these appointments? I do not think it is fundamentally possible. You simply create a civil-service place and you get some so-called experts in one of the departments to devise an examination, and then you advertise throughout the country that this examination can be had. And some fellows who pass these examinations, although not much good in their particular tasks, manage to get on the list. And then some other friendly bureaucrat sees that such a man is put on the pay roll. I venture to state that I voice the sentiment of the great army of civil-service employees throughout the United States by saying that they do not favor these high-priced, high-salaried bureaucrats.

I do not think this measure is advisable. I do not think that we ought to go beyond any safe and sane line in this thing. I have not anybody in view to recommend for any of these appointments, but if I had I think I could make wiser choice—I think any Representative in the House or in the Senate, or anybody back home, could make a wiser choice—than these bureaucrats make when they appoint and recommend each other to these different high-priced places on the civil-service pay roll.

The CHAIRMAN. The time of the gentleman has expired. The question is on the adoption of the amendment proposed by the gentleman from New York [Mr. ROSSDALE], which the Clerk will report.

Mr. GOOD. Mr. Chairman, I think it would be a very great mistake to reduce the amount to \$3,000. Yesterday before the Committee on Appropriations there appeared two men who are receiving salaries of \$6,000 a year each, men who have grown up in the Treasury Department. One of them has charge of all of the Treasury funds in the national banks, now aggregating more than \$300,000,000. The other has charge of collecting all of the interest on the loans made to railroad companies and has charge of our loans to foreign Governments. These men grew up in the service. I do not know where you could go out and find men so well equipped to perform these duties as these

men are. They are getting \$6,000 a year, and I doubt not, if they wanted to leave the Government service, that they would not have to go very far to get much more than that amount.

This whole office ought to be as free from patronage as possible. The heads of the departments, it was intended, should be men who were very close to the President and would do his will. But there should grow up in the service men who know the service, who know the various departments. And if you are going to remove those men of training and experience every time there is a change in the office of the President so far as the political complexion is concerned, I am afraid you will destroy the real merit we are trying to put into this work. These men must be given something to look forward to, and as they grow and develop they ought to be permitted to remain.

That is the only way we will secure efficiency. I hope the gentleman's amendment will not prevail.

Mr. WILLIAMS. Mr. Chairman, I desire to offer an amendment to the amendment.

Mr. ROSSDALE. Does the gentleman know of any civil examination which will give us some idea by which we could fairly choose a man here to fill one of these particular posts? I mean by examination alone? That is what an application for civil-service examination means.

Mr. GOOD. The men I spoke about went in by civil-service examination and grew up in the service.

Mr. ROSSDALE. Oh, they grew up by political preferment.

Mr. GOOD. No; not at all. These men never grew up in the service by political preferment.

The CHAIRMAN. The Chair will recognize the gentleman from Illinois [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, I move to amend the amendment offered by the gentleman from New York [Mr. ROSSDALE] by striking out "\$3,000" and inserting "\$2,000."

The CHAIRMAN. The amendment of the gentleman still further reduces the amount. It is now proposed to change the amount from \$3,000 to \$2,000.

Mr. WILLIAMS. Mr. Chairman, the amendment offered by the gentleman from New York [Mr. ROSSDALE] provides that in this paragraph the figures "\$5,000" shall be stricken out and the figures "\$3,000" inserted. My amendment would change that to make the limit to which the civil service would apply \$2,000 per annum, and I am frank to say I think that is too large. [Laughter.]

Mr. Chairman, I am not a civil-service reformer. If I had my life to live over again, seeing what I have seen and observing the things I have observed, I think I would be a reformer; but I failed to start in on that line early enough to make a success at it, so that I shall have to remain merely a 100 per cent Republican. The civil service, as I have observed it in the State capital in Illinois and here in Washington, is a fraud. [Applause.] I have never seen any man in the classified service here worth \$2,000 if he has been on the job very long, and they get worth less year by year, the longer they stay in. [Laughter.] I am not in favor of extending the civil service.

I understand the Postmaster General is now trying to devise some kind of a scheme by which the civil service is further to be extended to the postmasters of the country. I want to express my dissent from that policy. [Applause.] The people of this country by 7,000,000 majority voted last November for a change. [Laughter.] They did not mean merely a change of the Cabinet officers and assistants. It meant a change all the way down the line. [Applause.] I am in favor of it, and the country is in favor of it. [Applause.]

Mr. STEVENSON. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from South Carolina?

Mr. WILLIAMS. No.

The CHAIRMAN. The gentleman declines to yield.

Mr. WILLIAMS. If the order these bureaucrats down at that Post Office Department have spent two months trying to perfect, and have failed so far to satisfy themselves means anything, it means one of two things, either the betrayal of the Republicans of the country, or it means a fraud on the country. If they are going to appoint Republicans they do not need any civil-service rules to do it. [Laughter and applause.]

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS. No; I decline to yield. I do not consider the gentleman from Tennessee has any interest in the subject under discussion. [Laughter.]

Mr. GARRETT of Tennessee. A very sympathetic interest. Has the Postmaster General ever stood a civil-service examination? [Laughter.]

Mr. WILLIAMS. No. And while I have the highest respect for the distinguished gentlemen who constitute the Cabinet of

the President, yet in my opinion if they had been required to pass a civil-service examination such as these rural letter carriers and fourth-class postmasters are required to pass, outside of Hughes and Hoover none of them would have been able to get on the eligible list. [Laughter and applause.]

William Howard Taft had his Hitchcock, Woodrow Wilson had his Burleson, and may President Harding profit by their example. [Laughter and applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. GOOD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose, and the Speaker resumed the chair.

Mr. BLANTON. Mr. Speaker, I make the point of no quorum. The SPEAKER. Before the Chairman reports?

Mr. BURTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (S. 1084) to provide a national budget system and an independent audit of government accounts, and for other purposes, had come to no resolution thereon.

Mr. BLANTON. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. The gentleman from Ohio [Mr. BURTON], Chairman of the Committee of the Whole House on the state of the Union, reports that that committee, having under consideration the bill S. 1084, had come to no resolution thereon.

Mr. BLANTON. Now, Mr. Speaker, I renew the point of no quorum.

The SPEAKER. The gentleman from Texas makes the point that there is no quorum present. It is clear that there is no quorum present.

#### ADJOURNMENT.

Mr. GOOD. Mr. Speaker, I move that the House do now adjourn.

Mr. FORDNEY. If the gentleman from Texas [Mr. BLANTON] will withhold his point a moment, I move to reconsider—

The SPEAKER. But the gentleman from Texas has made the point of no quorum present.

Mr. FORDNEY. Mr. Speaker, the gentleman withholds his point for a moment.

Mr. WINGO. If the gentleman withdraws it, I will make it. You had just as well adjourn.

Mr. FORDNEY. If the gentleman will withhold it—

Mr. WINGO. I make the point of no quorum present.

Mr. GOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 36 minutes p. m.) the House adjourned until Wednesday, May 4, 1921, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

97. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior submitting deficiency and supplemental estimates of appropriations, in the sum of \$33,461.73, required by the Department of the Interior, Office of Indian Affairs (H. Doc. No. 63); to the Committee on Appropriations and ordered to be printed.

98. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Board of Commissioners of the District of Columbia submitting a supplemental estimate of appropriations, in the sum of \$1,989,000, required for buildings and grounds, public schools, and free public library, District of Columbia (H. Doc. No. 64); to the Committee on Appropriations and ordered to be printed.

99. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of Agriculture submitting a proposed item of legislation relative to the apportionment of receipts from the national forests for the fiscal year 1921 (H. Doc. No. 65); to the Committee on Agriculture and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. BOIES, from the Committee on the Judiciary, to which was referred the bill (H. R. 4586) to amend the act entitled "An act to establish a code of law for the District of Columbia, ap-



proved March 3, 1901," and the acts amendatory thereof and supplementary thereto, reported the same without amendment, accompanied by a report (No. 36), which said bill and report were referred to the House Calendar.

Mr. KNUTSON, from the Committee on Pensions, to which was referred the bill (H. R. 5585) relating to execution of pension papers in foreign countries, reported the same without amendment, accompanied by a report (No. 37), which said bill and report were referred to the House Calendar.

Mr. HAYDEN, from the Committee on the Public Lands, to which was referred the bill (H. R. 2421) granting certain public lands to the city of Phoenix, Ariz., for municipal purposes, reported the same without amendment, accompanied by a report (No. 38), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH, from the Committee on the Public Lands, to which was referred the bill (H. R. 70) to allow credit for husbands' military service in case of homestead entries by widows, and for other purposes, reported the same with amendments, accompanied by a report (No. 40), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 1997) granting a pension to Hulda Flatt; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 3280) granting a pension to George A. Willey; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 4325) granting an increase of pension to Sarah McQueen; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LEATHERWOOD: A bill (H. R. 5673) to authorize the temporary exchange of certain public lands for experiments in sheep growing, and for other purposes; to the Committee on the Public Lands.

By Mr. TIMBERLAKE: A bill (H. R. 5674) for the purchase of a site for a public building at Longmont, Boulder County, Colo.; to the Committee on Public Buildings and Grounds.

By Mr. WOODRUFF: A bill (H. R. 5675) to amend an act entitled "An act to amend and modify the war risk insurance act," as approved December 24, 1919; to the Committee on Interstate and Foreign Commerce.

By Mr. TINCER: A bill (H. R. 5676) taxing contracts for the sale of grain for future delivery, and options for such contracts, and providing for the regulation of boards of trade, and for other purposes; to the Committee on Agriculture.

By Mr. APPLEBY: A bill (H. R. 5677) granting pensions to certain members of the former Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

By Mr. CLARK of Florida: A bill (H. R. 5678) to regulate the sale of deadly weapons in the District of Columbia; to the Committee on the District of Columbia.

By Mr. MILLSPAUGH: A bill (H. R. 5679) authorizing the purchase of land for a site for a post-office building at Canton, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. CLARK of Florida: A bill (H. R. 5680) to extend the franking privilege to literature published by boards of health of States and Territories in the United States; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 5681) conferring police powers on all conductors and motormen on all electric and other street railways in the District of Columbia; to the Committee on the District of Columbia.

Also, a bill (H. R. 5682) to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the acts of Congress approved, respectively, July 1, 1862, March 7, 1864, July 13, 1866, and March 2, 1867; to the Committee on War Claims.

Also, a bill (H. R. 5683) to define who are vagrants in the District of Columbia and to prescribe punishment for vagrancy; to the Committee on the District of Columbia.

By Mr. HAWLEY: A bill (H. R. 5684) to authorize the purchase by the city of Medford, Oreg., of certain lands formerly embraced in the grant to the Oregon & California Railroad Co.

and revested in the United States by the act approved June 9, 1916; to the Committee on the Public Lands.

Also (by request), a bill (H. R. 5685) to authorize the addition of certain lands to the Crater National Forest; to the Committee on the Public Lands.

Also, a bill (H. R. 5686) to add to the Crater National Forest in Oregon certain lands that were revested in the United States pursuant to the decision of the Supreme Court of the United States in the case of the Oregon & California Railroad Co. against the United States, and for other purposes; to the Committee on the Public Lands.

By Mr. STEPHENS: A bill (H. R. 5687) to amend an act entitled "An act to amend and modify the war risk insurance act," approved December 24, 1919; to the Committee on Interstate and Foreign Commerce.

By Mr. TAYLOR of Tennessee: A bill (H. R. 5688) granting an increase of pension to certain soldiers, sailors, and marines of the Civil War and the War with Mexico and to the widows of such soldiers, sailors, and marines; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5689) to provide a site and erect a public building thereon at Rockwood, Tenn.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5690) to provide a site and erect a public building thereon at Lafollette, Tenn.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5691) to provide a site and erect a public building thereon at Lenoir City, Tenn.; to the Committee on Public Buildings and Grounds.

By Mr. WILLIAMS: A bill (H. R. 5692) to regulate interstate and foreign commerce in live stock, live-stock products, dairy products, poultry, poultry products, and eggs, and for other purposes; to the Committee on Agriculture.

By Mr. DOWELL: A bill (H. R. 5693) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, and for other purposes; to the Committee on Roads.

By Mr. CURRY: A bill (H. R. 5694) to provide for the administration of national property and interests in the Territory of Alaska, and for other purposes; to the Committee on the Territories.

Also, a bill (H. R. 5695) for the erection of a public building at Martinez, Calif.; to the Committee on Public Buildings and Grounds.

By Mr. KELLY of Pennsylvania: A bill (H. R. 5696) to provide for monthly payments of pensions, and for other purposes; to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 5697) to amend an act of Congress approved July 17, 1916, known as the Federal farm loan act; to the Committee on Banking and Currency.

By Mr. WEAVER: A bill (H. R. 5698) to establish a fish hatchery and fish-cultural station in the State of North Carolina; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 5699) providing for the final disposition of the affairs of the Eastern Band of Cherokee Indians of North Carolina; to the Committee on Indian Affairs.

By Mr. KAHN: A bill (H. R. 5700) authorizing the Secretary of the Treasury to sell the old subtreasury property at San Francisco, Calif.; to the Committee on Public Buildings and Grounds.

By Mr. HAYDEN: Concurrent resolution (H. Con. Res. 15) providing for a joint committee on the budget; to the Committee on Rules.

Also, resolution (H. Res. 79) providing for the repeal of House resolution 324 (adopted June 1, 1920), and for other purposes; to the Committee on Rules.

By Mr. MacGREGOR: Resolution (H. Res. 80) for the appointment of a select committee to determine as to the property of the United States and the method of disposal of surplus; to the Committee on Rules.

By Mr. BRITTEN: Joint resolution (H. J. Res. 101) authorizing the President to appoint a board for the preparation of a harmonious system of contract forms, and for other purposes; to the Committee on the Judiciary.

By Mr. McFADDEN: Joint resolution (H. J. Res. 102) providing an amendment to the Constitution of the United States; to the Committee on Ways and Means.

By Mr. BARBOUR: Memorials of the Legislature of the State of California, indorsing the declaration of principles of the Japanese Exclusion League of California relative to immigration; to the Committee on Foreign Affairs.

Also, memorial of the Legislature of the State of California, memorializing Congress to provide a tariff on almonds; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of California memorializing Congress to provide a tariff on olives; to the Committee on Ways and Means.

By Mr. YOUNG: Memorial of the Legislature of the State of California, praying that such a tariff be placed on imported almonds as will equalize the cost of production and marketing between the home-grown and imported products, etc.; to the Committee on Ways and Means.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 5701) granting an increase of pension to Margaret Hickman; to the Committee on Invalid Pensions.

By Mr. CHRISTOPHERSON: A bill (H. R. 5702) granting a pension to William Martin; to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: A bill (H. R. 5703) authorizing the Secretary of War to donate to the following cities and towns one German cannon each: Ocala, Fernandina, Starke, Bronson, Maccleenny, Lake City, Live Oak, Madison, Mayo, Jasper, Perry, Monticello, and Gainesville, all in the State of Florida; to the Committee on Military Affairs.

By Mr. DEMPSEY: A bill (H. R. 5704) authorizing the Secretary of War to donate to the city of Buffalo, N. Y., two German cannons or fieldpieces; to the Committee on Military Affairs.

Also, a bill (H. R. 5705) authorizing the Secretary of War to donate to each of the cities and towns in Niagara County, N. Y., two German cannons or fieldpieces with their accompaniments; to the Committee on Military Affairs.

By Mr. DENISON: A bill (H. R. 5706) granting a pension to Matilda J. Glass; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5707) granting an increase of pension to Nancy J. Duncan; to the Committee on Invalid Pensions.

By Mr. FESS: A bill (H. R. 5708) for the relief of John M. Kills; to the Committee on Military Affairs.

By Mr. IRELAND: A bill (H. R. 5709) for the relief of Charles S. Fries; to the Committee on Claims.

By Mr. JAMES of Michigan: A bill (H. R. 5710) granting reimbursement to Allan B. Be Dell; to the Committee on War Claims.

By Mr. KLINE of Pennsylvania: A bill (H. R. 5711) granting a pension to Sarah E. Dieffenbacher; to the Committee on Invalid Pensions.

By Mr. KOPP: A bill (H. R. 5712) granting a pension to Jennette Hamilton; to the Committee on Invalid Pensions.

By Mr. LEATHERWOOD: A bill (H. R. 5713) authorizing the Secretary of War to donate to the city of Provo, State of Utah, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 5714) authorizing the Secretary of War to donate to the town of Farmington, State of Utah, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 5715) authorizing the Secretary of War to donate to the city of Tooele, State of Utah, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 5716) authorizing the Secretary of War to donate to the city of Salt Lake City, State of Utah, one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. MacGREGOR: A bill (H. R. 5717) for the relief of Mrs. Philip Hurcomb; to the Committee on Claims.

By Mr. McLAUGHLIN of Nebraska: A bill (H. R. 5718) granting a pension to John Shafranek; to the Committee on Pensions.

Also, a bill (H. R. 5719) granting a pension to Mathilda Wendorff; to the Committee on Invalid Pensions.

By Mr. MOORES of Indiana: A bill (H. R. 5720) granting a pension to Ezra M. Sellers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5721) granting an increase of pension to Melissa A. Lindsey; to the Committee on Invalid Pensions.

By Mr. PETERS: A bill (H. R. 5722) for the relief of Stephen A. Winchell; to the Committee on Military Affairs.

Also, a bill (H. R. 5723) granting a pension to Mary M. Joy; to the Committee on Invalid Pensions.

By Mr. ROSENBLOOM: A bill (H. R. 5724) to reimburse L. W. Dragoo, formerly postmaster at Smithfield, Wetzel County, W. Va., for money, money orders, and postage stamps stolen; to the Committee on Claims.

By Mr. SANDERS of New York: A bill (H. R. 5725) granting a pension to James M. Byrne; to the Committee on Invalid Pensions.

By Mr. TAYLOR of New Jersey: A bill (H. R. 5726) authorizing the Secretary of War to donate to the town of Bloomfield, State of New Jersey, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 5727) authorizing the Secretary of War to donate to the town of Belleville, State of New Jersey, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 5728) authorizing the Secretary of War to donate to the town of Nutley, State of New Jersey, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 5729) authorizing the Secretary of War to donate to the city of Bayonne, State of New Jersey, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 5730) authorizing the Secretary of War to donate to the town of Kearny, State of New Jersey, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 5731) authorizing the Secretary of War to donate to the borough of East Newark, State of New Jersey, one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. TAYLOR of Tennessee: A bill (H. R. 5732) for the relief of Arthur Allen; to the Committee on Claims.

Also, a bill (H. R. 5733) granting an increase of pension to Polly A. Blair; to the Committee on Pensions.

Also, a bill (H. R. 5734) granting a pension to George Bailey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5735) granting an increase of pension to Elizabeth Burkett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5736) granting a pension to Isabel McGhee; to the Committee on Invalid Pensions.

By Mr. TIMBERLAKE: A bill (H. R. 5737) granting a pension to Ella Shurtleff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5738) granting an increase of pension to Walter W. Donahue; to the Committee on Pensions.

By Mr. VESTAL: A bill (H. R. 5739) granting a pension to George Stanley; to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 5740) granting a pension to Cora L. Lasley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5741) granting a pension to Charles Sidney George; to the Committee on Invalid Pensions.

By Mr. WINSLOW: A bill (H. R. 5742) granting an increase of pension to Permella J. Battelle; to the Committee on Invalid Pensions.

By Mr. YOUNG: A bill (H. R. 5743) authorizing the Secretary of War to donate to the city of Harvey, State of North Dakota, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 5744) authorizing the Secretary of War to donate to the city of Bismarck, State of North Dakota, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 5745) authorizing the Secretary of War to donate to the city of Carrington, State of North Dakota, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 5746) authorizing the Secretary of War to donate to the town of Fessenden, State of North Dakota, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 5747) authorizing the Secretary of War to donate to the city of Kintyre, State of North Dakota, one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. ZIHLMAN: A bill (H. R. 5748) granting a pension to Samuel S. McKenzie; to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

433. By Mr. CHRISTOPHERSON: Petition of the North and South Dakota Wool & Warehouse Association, urging the passage of the Fordney emergency tariff bill, etc.; to the Committee on Ways and Means.

434. By Mr. DALLINGER: Petition of the New England conference of the Evangelical Association, favoring the passage of the Towner educational bill; to the Committee on Education.

435. Also, petition of citizens of Cambridge, Mass., favoring recognition of the Irish republic; to the Committee on Foreign Affairs.

436. By Mr. DEMPSEY: Petition of the American Association; also Rev. Peter J. Berkery, Middleport, N. Y.; also Mrs. Josephine M. Crick, of Niagara Falls, N. Y., praying for recognition of the Irish republic; to the Committee on Foreign Affairs.

437. Also, petition of the General Abrasive Co. (Inc.), Niagara Falls, N. Y., protesting against tariff on bauxite; to the Committee on Ways and Means.



438. Also, petition of the Chamber of Commerce, Buffalo, N. Y., opposing the tariff tax on lumber; to the Committee on Ways and Means.

439. Also, petition of the National Brotherhood of Blacksmiths, Drop Forgers, and Helpers, protesting against the enactment of a sales tax law; to the Committee on Ways and Means.

440. Also, petition of the Niagara Falls Brewing Co., praying for a decrease in or the abolition of the tax on cereal beverages; to the Committee on Ways and Means.

441. Also, petition of the Chamber of Commerce of Buffalo, N. Y., favoring tax on all crude and refined methyl alcohol, etc.; to the Committee on Ways and Means.

442. Also, petition of Oscar H. Geiger & Co., New York City, against tax of 10 per cent on manufactured fur articles; to the Committee on Ways and Means.

443. Also, petition of Division No. 328, International Brotherhood of Locomotive Engineers, Buffalo, N. Y., protesting against the enactment of sales or turnover tax law, etc.; to the Committee on Ways and Means.

444. Also, petition of Local No. 76, N. B. of O. P., Buffalo, N. Y., urging the enactment of a tariff on imported pottery; to the Committee on Ways and Means.

445. Also, petition of William C. Werner, New York, protesting against a tax on furs, etc.; to the Committee on Ways and Means.

446. By Mr. DYER: Petition of the St. Louis Basket & Box Co., in favor of House bill 4900, known as the hamper and basket bill; to the Committee on Coinage, Weights, and Measures.

447. Also, petition of Paper Carriers' Local, A. P. L., indorsing the program of legislation asked by the American Legion in the interest of disabled soldiers, sailors, and marines of America; to the Committee on Interstate and Foreign Commerce.

448. By Mr. ELSTON: Petition of the executive board of California, Women's Christian Temperance Union, urging world disarmament conference; to the Committee on Foreign Affairs.

449. By Mr. KELLY of Pennsylvania: Petition of Emory Bible Class, Pittsburgh, Pa., protesting against the modification of the Volstead law; to the Committee on the Judiciary.

450. By Mr. KISSEL: Petition of Jesse Stiefel, New York City, N. Y., opposing the Star-Spangled Banner as the national anthem; to the Committee on the Library.

451. By Mr. MacGREGOR: Petition of the I. B. of B. D. F. and H., Buffalo, N. Y., against the passage of the sales tax bill, etc.; to the Committee on Ways and Means.

452. By Mr. SNELL: Petition of Moriah Post, American Legion, No. 223, Port Henry, N. Y., urging the enactment of five bills, as follows: (1) Legislation consolidating the three ex-service bureaus; (2) appropriations for a permanent hospital building program; (3) legislation decentralizing the Bureau of War Risk Insurance; (4) legislation to further extend the benefits of vocational training and providing vocational training with pay for all disabled men with disabilities of 10 per cent or more traceable to the service; (5) legislation providing privilege of retirement with pay for disabled emergency officers of the World War; to the Committee on Military Affairs.

453. By Mr. TINKHAM: Petition of Irving W. Adams Post, No. 36 (Inc.), the American Legion, Boston, Mass., urging legislation consolidating the three ex-service bureaus, etc.; to the Committee on Military Affairs.

454. Also, petition of the Foreign Policy Association of Massachusetts, urging Army be cut to 160,000 men, etc.; to the Committee on Military Affairs.

455. By Mr. YOUNG: Petition of Granville Chapter, No. 47, Order of the Eastern Star, of Granville, N. Dak., praying for the passage of the so-called Smith-Towner bill, to establish a department of education, etc.; to the Committee on Education.

456. Also, petition of Linton Lodge, No. 98, Ancient Free and Accepted Masons, of Linton, N. Dak., praying for the passage of the Smith-Towner bill, to establish a department of education, etc.; to the Committee on Education.

457. Also, petition of Minot Lodge, No. 6, Knights of Pythias, of Minot, N. Dak., praying for the passage of the so-called Smith-Towner bill, to establish a department of education, etc.; to the Committee on Education.

458. Also, petition of the Sylvester J. Hill Relief Corps, No. 24, of Granville, N. Dak.; Congregational Church of Granville, Granville, N. Dak.; and Dunseith Lodge, No. 99, Ancient Free and Accepted Masons, of Dunseith, N. Dak., praying for the passage of the so-called Smith-Towner bill, to establish a department of education, etc.; to the Committee on Education.

459. Also, petition of the North and South Dakota Wool & Warehouse Association, praying for the passage of House bill 2435, the Young emergency tariff bill; to the Committee on Ways and Means.

## SENATE.

WEDNESDAY, May 4, 1921.

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

O God, we would see light in Thy light, and amid all the ways along which Thou dost lead us we would be confident of Thy guidance and certain that no path of Thy choosing shall ever be other than right for us. So help us, we beseech of Thee, ever to trust Thee with a confidence that is unshaken. We ask for Christ's sake. Amen.

The reading clerk proceeded to read the Journal of the proceedings of the legislative day of Monday, May 2, 1921, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Gooding	McKellar	Simmons
Borah	Hale	McKinley	Smoot
Brandegee	Harrell	McLean	Spencer
Broussard	Harris	McNary	Stanfield
Bursum	Harrison	Moses	Stanley
Calder	Heflin	Myers	Sutherland
Cameron	Hitchcock	Nelson	Trammell
Capper	Johnson	New	Underwood
Caraway	Jones, N. Mex.	Nicholson	Wadsworth
Culberson	Jones, Wash.	Norbeck	Walsh, Mass.
Cummins	Kellogg	Norris	Walsh, Mont.
Curtis	Kendrick	Oddie	Warren
Dial	Kenyon	Overman	Watson, Ga.
Dillingham	Keyes	Penrose	Watson, Ind.
Elkins	King	Phipps	Weller
Fernald	Knox	Polindexter	Williams
Fletcher	Ladd	Pomerene	Willis
France	La Follette	Ransdell	Wolcott
Frelinghuysen	Lenroot	Robinson	
Gerry	Lodge	Sheppard	
Glass	McCumber	Shields	

Mr. CURTIS. I wish to announce that the Senator from Kentucky [Mr. ERNST] is absent on account of illness in his family.

The VICE PRESIDENT. Eighty-one Senators having answered to their names, a quorum is present.

## TOBACCO PRODUCT OF NORTH CAROLINA AND KENTUCKY.

Mr. OVERMAN. Mr. President, I find that yesterday in a friendly colloquy between myself and the Senator from Kentucky [Mr. STANLEY] as to the amount of the tobacco raised in North Carolina we were both right. The statistics have not been issued, but I obtained them from the Census Office this morning.

In 1919 the statistics show that while Kentucky raised 511,000,000 pounds of tobacco North Carolina raised 280,000,000 pounds. The Senator was right as to the number of pounds, but the value of North Carolina's crop was \$151,000,000 while Kentucky's value was only \$117,000,000, showing that in that respect I was right.

I ask that the statement which I obtained from the Census Office may be printed in the Record.

The VICE PRESIDENT. Without objection, it will be so printed.

The statement is as follows:

DEPARTMENT OF COMMERCE,  
BUREAU OF THE CENSUS,  
OFFICE OF THE DIRECTOR,  
Washington, May 3, 1921.

Hon. LEE S. OVERMAN,  
United States Senate, Washington, D. C.

DEAR SENATOR OVERMAN: In response to your telephonic request for statistics showing production and value of tobacco in the States of North Carolina and Kentucky, censuses of 1910 and 1920, I submit the following statement:

	Production.	Value.
	Pounds.	
North Carolina:		
1909.....	138,813,163	\$13,847,550
1919.....	280,163,432	151,288,264
Kentucky:		
1909.....	398,482,301	39,868,753
1919.....	511,872,425	117,730,675

The average value of tobacco per pound which was produced in both North Carolina and Kentucky during the year 1909 was approximately 10 cents. At the recent census, according to values supplied by the Bureau of Crop Estimates, the average value per pound in Kentucky was 23 cents and in North Carolina it was 54 cents. Please note that Kentucky ranked first at both censuses in production, but that in value North Carolina ranked first at the later census.